



San Miguel Community Services District Wastewater Code

Adopted per Ordinance 03-2019

Updated July 2019

DRAFT

SECTION 1: GENERAL PROVISIONS.

- 1.1. Title
- 1.2. Authority
- 1.3. Purpose and Policy
- 1.4. Definitions
- 1.5. Abbreviations
- 1.6. General Regulations Applicable to All Users
- 1.7. District Access onto Private Property
- 1.8. Enforcement of this Code

SECTION 2: REGULATION OF SEWER USE

- 2.1. Use of Public Sewers Required.
- 2.2. Private Sewage Disposal

SECTION 3: CONSTRUCTION OF PUBLIC SEWERS

- 3.1. General Provisions
- 3.2. Sewer Permits
- 3.3. Outside Sewer Connection Permit
- 3.4. Financial Responsibility for Construction of Sewer Line
- 3.5. Size of New Facilities
- 3.6. District's Option to Construct Facilities
- 3.7. Dedication Requirements

SECTION 4: INSPECTION

- 4.1. Inspection Required
- 4.2. Notification When Ready for Inspection
- 4.3. Reinspection Fee
- 4.4. Work Shall Be Uncovered and Convenient
- 4.5. Correction of Defective Work
- 4.6. Materials and Construction to Meet Standard Specifications
- 4.7. Certificate of Final Inspection

SECTION 5: [RESERVED]

SECTION 6: DISCHARGE OF WASTE TO PUBLIC SEWERS

- 6.1. Application, Purpose, and Scope
- 6.2. General Discharge Prohibitions
- 6.3. Violation of Discharge Limitation
- 6.4. Federal Categorical Pretreatment Standards
- 6.5. State Requirements

- 6.6. Specific Discharge Limitations
- 6.7. District's Right of Revision
- 6.8. Excessive Discharge
- 6.9. Hauled Waste
- 6.10. Wastewater Dischargers
 - 6.10.1. Transferability of Wastewater Discharge Permit
- 6.11. Pretreatment
 - 6.11.1 Grease Oil, and Sand Inceptors
- 6.12. Inspection, Sampling and Reporting Requirements for the Permittee
- 6.13. Inspection to Ensure Compliance
 - 6.13.1 Pollutant Analyses
 - 6.13.2 Industrial User Monitoring Facilities
- 6.14. Confidential Information
- 6.15. Enforcement
 - 6.15.1 Administering, Implementing and Enforcing the Provisions of Chapter 6
 - 6.15.2 Suspension of Wastewater Treatment Service
 - 6.15.3 Revocation of Wastewater Discharge Permit
 - 6.15.4 Enforcement Mechanisms for Industrial Users
- 6.16. Accidental Discharges

SECTION 7: [RESERVED]

SECTION 8: SEWER AVAILABILITY & WILL SERVE COMMITMENTS

- 8.1. No Service Outside District Boundaries
- 8.2. Sewer Availability Letter
- 8.3. Application for a Will Serve Commitment
 - 8.3.1 Information Required of the Applicant
 - 8.3.2 Determination of Sewer Availability
 - 8.3.3 Deposits
 - 8.3.4 Issuance of Will Serve Commitment
 - 8.3.5 Public Interest Variance Applicant Dedication of Additional Sewage Treatment Capacity
 - 8.3.6 Public Interest Variance, Service to Public Agencies
 - 8.3.7 Highest Priority Sewer Service for Low Income Housing
 - 8.3.8 Will Serve Commitments and Applications for Sewer Service for Guesthouses and Secondary Dwellings
 - 8.3.9 Refunds of Hook Up Fees
 - 8.3.10 Request for More Units of Use
 - 8.3.11 Non-Transferability of Will Serve Commitments
- 8.4. Applications for Sewer Service
 - 8.4.1 Information Required
 - 8.4.2 Service to Premises for Which Hook-Up Fees Have Already Been Paid

- 8.4.3 Service to Premises for Which a Will Serve Commitment is Not Outstanding and Effective
- 8.4.4 Refunds
- 8.4.5 Property Owner's Liability
- 8.4.6 Individual Liability for Joint Service
- 8.4.7 Change in Applicant's Equipment
- 8.4.8 Sewer Service Only When No Water Supply and/or Facility Capacity Available
- 8.4.9 Unauthorized Use of Sewer Permits
- 8.5. Sewer Allocation System
 - 8.5.1 Introduction
 - 8.5.2 Sewer Service Waiting List for Applicants Who Require District Sewer Service
 - 8.5.3 Allocation of Sewer Capacity
 - 8.5.4 Allocation of Units of Use When a Lot Split Occurs and Payment of Increased Hook-Up Fees Related Thereto

SECTION 9: FEES AND CHARGES

- 9.1. Purpose of Sewer Connection and Hook-up Fees and Charges
 - 9.1.1 Sewer Connection Fees
 - 9.1.2 Residential Sewer Hook-up Fees
 - 9.1.3 Commercial, Industrial and Other Similar Sewer Hook-up Fees
- 9.2. Application Fees
- 9.3. Wastewater Contribution Fees
 - 9.3.1 Applicable Charges and Fees
- 9.4. Sewer Service Charges
- 9.5. Returned Check Charge
- 9.6. Administrative and Inspection Fees

SECTION 10: ENFORCEMENT OF SEWER FEES & DISCONTINUATION OF SEWER SERVICE

- 10.1. Collection and Enforcement of Sewer Service Rates and Charges
- 10.2. Established as a Means of Enforcement
- 10.3. Property Owner Responsibility and Basis of Billing
- 10.4. Penalties
- 10.5. Judicial Relief and Attorney's Fees
- 10.6. Lien
- 10.7. Discontinuance of Service
 - 10.7.1 Service Related Reasons for Discontinuance of Service
 - 10.7.2 Discontinuance of Residential Service for Nonpayment
 - 10.7.3 Discontinuance of Residential Service to Customers on Master Meters
 - 10.7.4 Discontinuance of Service Other than a Discontinuance of Residential Service for Nonpayment

- 10.7.5 No Discontinuance of Service on Weekends, Holidays or After Hours
- 10.8. Amortization of Delinquent Bill for Residential Service
 - 10.9. Authority to Settle Controversies Relating to Discontinuance of Service
 - 10.10. Procedure on Appeal to Board
 - 10.11. Reconnection
 - 10.12. Unsafe Apparatus
 - 10.13. Fraud or Abuse
 - 10.14. Collection of Delinquent Charges with Taxes
 - 10.15. Public Nuisance
 - 10.16. Enforcement Remedies Cumulative

DRAFT

SAN MIGUEL COMMUNITY SERVICES DISTRICT SEWER CODE

SECTION 1: GENERAL PROVISIONS

1.1 Title.

This document shall be known as the "San Miguel Community Services District Wastewater Code" and may be cited as such.

1.2 Authority.

The San Miguel Community Services District ("District") was formed in 2001, in part, for the purpose of providing sanitary sewer services to residents of the District. The District is organized pursuant to the California Community Services District Law, Title 6, Division 3 of the California Government Code, commencing with section 61000. The District is responsible for planning, constructing, and operating its sewer system, the use of which it intends to regulate by the San Miguel Community Services District Wastewater Code ("Code").

1.3 Purpose and Policy.

- (a) The wastewater discharge standards and regulations in these provisions set uniform requirements for discharges of domestic and industrial waste in the District sewer system to enable the District to comply with the administrative provisions of the clean water regulations, water quality requirements set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, pretreatment effluent standards, and any other discharge criteria that are required or authorized by state and federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems.
- (b) Except as otherwise provided, the District General Manager shall administer, implement, and enforce the provisions of this Code. The General Manager is hereby authorized to establish any rules and regulations necessary for the enforcement of this Code and may delegate and appoint employees of the District to act on his or her behalf.
- (c) If any provision of this Code or the application thereof to any person or circumstance is held invalid, the remainder of the Code or application of such provision to other persons or circumstances shall not be affected.
- (d) Any provision in this Code that conflicts with any California state and/or federal law and/or regulation shall be automatically superseded by the provisions in said law and/or regulation until such time as this Code can be revised.

1.4 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Code, shall have the meanings hereinafter designated:

- (a) “Act or the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (b) “Agent” means the person, firm, corporation, partnership or other entity duly authorized by the applicant to act for the applicant.
- (c) “Applicant” means the person, firm, corporation, partnership, public entity, or other entity applying to receive a commitment of sewer service or applying to receive sewer service for property owned by the applicant or applying for any permit under this Code.
- (d) “Authorized Representative of User or Applicant” means an authorized representative of a User or Applicant may be: (1) a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function; (2) a general partner or proprietor if the User or applicant is a partnership or sole proprietorship, respectively; and (3) a duly authorized representative of the individual designated above if the authorization is made in writing, the authorization specifies either an individual or position having responsibility for the overall operation of the facility from which discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.
- (e) “Available Sewage Treatment Capacity” means available sewage treatment capacity which is or becomes available to serve new or additional sewer service connections over and above that capacity required to serve Users of existing sewer service and development for which will serve commitment letters have been issued.
- (f) “Beneficial Uses” means uses of the waters of the State that may be protected against quality degradation including, but not limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves and other uses, both tangible or intangible, as specified by Federal or State law.
- (g) “Best Management Practices or BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 C.F.R., 403.5(a)(1) and (b). BMPs also include treatment

requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

- (h) “Biochemical Oxygen Demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (i) “Board” means the Board of Directors of the San Miguel Community Services District.
- (j) “Building” means any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.
- (k) “Building Sewer” means that portion of any sewer beginning at the plumbing or drainage outlet of any building or facility and running to the property line, or to a public right of way or easement.
- (l) “Clean Out” means a capped pipe that provides access to a sewer line, which is required to clean out and/or remove blockages and obstructions.
- (m) “Code” means the San Miguel Community Services District Wastewater Code.
- (n) “Commercial User” means contributors to the District's sewer system from any buildings used for conducting private or public wholesale or retail transactions involving the exchange of services, commodities or financial business. Such facilities normally produce domestic wastes, but waste streams from commercial facilities also may contain some industrial wastes.
- (o) “Composite Sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- (p) “Connector” means any owner or renter of any premises that connects to or proposes to connect to the District sewer system.
- (q) “Construction Purposes” means purposes that are limited to building construction, dust control, and irrigation for erosion control (including re-vegetation).
- (r) “Contractor” means any individual firm, corporation, partnership or association duly licensed by the California Contractor State License Board to perform the type of work to be done under the permit.

- (s) “Cooling Water” means water discharged from any use such as air conditioning, cooling or refrigeration which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. The only pollutant added to cooling water is heat.
- (t) “County” means the County of San Luis Obispo, California.
- (u) “Developer” means any person who installs or causes to be installed one or more structures which will become or be connected to the District's public sewer system.
- (v) “Development Plan” has the same meaning as that term is used within San Luis Obispo County's land use ordinance, which is found at Title 22 of the County Code.
- (w) “District” means the San Miguel Community Services District.
- (x) “District Board” means the Board of Directors of the District.
- (y) “District Engineer” means the Engineer appointed by and acting for the District Board, whom shall be a Registered Civil Engineer.
- (z) “District Standard Specifications and Drawings” means design and construction standards applicable to all construction within the District, which were heretofore or are hereafter adopted by the District. Copies of District Standard Specifications and Drawings are on file in the District office.
- (aa) “Domestic Wastes” means liquid wastes: (a) from the non-commercial preparation, cooking and handling of food; or (b) containing solely human excrement and similar matter, which are introduced to the District's sewer system from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.
- (bb) “Environmental Protection Agency, or EPA” means the U.S. Environmental Protection Agency or, where appropriate, the term also may be used as a designation for the Administrator or other duly authorized official of said Agency.
- (cc) “Existing Source or Existing User” is related to when the construction of an Industrial or Significant User's facility was commenced. An Existing User or Existing Source is any Industrial or Significant User, the construction or operation of whose facility commenced prior to the publication by EPA of proposed categorical pretreatment standards, which would be applicable to such source if and when the standard is thereafter promulgated in accordance with Section 307 of the Act.

- (dd) “Final Map” means a final map or parcel map which is recorded for a subdivision pursuant to California Government Code sections 66464, et.seq.
- (ee) “General Manager” means the manager employed by the District acting under the direction of the District Board.
- (ff) “Guesthouse” has the same meaning as such word is used in section 22.80.030 of Title 22 of the San Luis Obispo County Code, as such may be amended from time to time.
- (gg) “Holding Tank Waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (hh) “Indirect Discharge or Discharge” means the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto. The discharge is indirect because it is to the POTW, which in turn discharges pollutants under the terms of its Waste Discharge Requirements (“WDR”) with the Regional Water Quality Control Board.
- (ii) “Industrial User” means any nondomestic source of indirect discharge including, but not limited to, industrial establishment or buildings that discharge, in addition to domestic wastes, wastewater containing any of the constituents referenced in section 6.6 of this Code.
- (jj) "Industrial wastewater" means the liquid waste resulting from the process employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes. This includes wastewater from a source other than an industrial plant or facility which introduces toxic pollutants as defined in 40 CFR 122.2, into publicly owned treatment works, including, without limitation: medical offices; dental offices; hospitals; schools; restaurants; research, education and commercial laboratories; warehouses; shopping centers; beauty salons; spa treatment salons; car washes; print stores; residential, commercial and public users of pesticides and fertilizers; gas stations; and sewage collection and disposal.
- (kk) “Infectious Waste” means waste which contains pathogenic organisms that can invade the tissues of the body and cause disease.
- (ll) “Installer” means any person who installs sewer mains or lateral sewers within the District service area for connection to the District sewer system.

- (mm) “Interference” means the inhibition or disruption of the POTW treatment processes or operations which contribute to a violation of any requirements of this Code, any other District ordinance, rule or regulation or of the waste discharge requirements imposed upon the District by the Regional Water Quality Control Board.
- (nn) “Lateral Sewer” means the portion of sewer lying within a public right of way or easement connecting a building sewer to the District's sewer system.
- (oo) “Lot” means any piece or parcel of land bounded, defined, or shown upon a final map or deed recorded or filed in the Office of the County Recorder of San Luis Obispo County; provided, however, that in the event any building or structure covers more area than a lot as defined above, the term "lot" shall include all such pieces or parcels of land upon which said building or structure is wholly or partly located, together with the yards, courts or other unoccupied spaces legally required for the building or structure.
- (pp) “Medical Waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (qq) “National Categorical Pretreatment Standard, Categorical Standard, or Pretreatment Standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to section 40 C.F.R section 403.5.
- (rr) “New Source” is related to when the construction of an Industrial or Significant User's facility was commenced. The term "New Source" refers to any building, structure, facility or installation of an Industrial or Significant User from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source, if such Standards are thereafter promulgated in accordance with that section, provided that: (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or (ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (iii) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. Construction of a new source as defined under this paragraph has commenced if the owner or operator has: (a) begun, or caused to begin as part of a

continuous on-site construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- (ss) “Pass Through” means any discharge which exits the POTW into water of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of this Code, any other District ordinance, rule or regulation or of the waste discharge requirements imposed upon the District by a Regional Water Quality Control Board, the EPA and/or any other local, state and/or federal law, regulation or agency.
- (tt) “Pathogenic Organisms” means bacteria and viruses which cause disease, and which may be contained in specimens.
- (uu) “Permittee” means the person to whom a permit has been issued pursuant to the provisions of this Code.
- (vv) “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context. A Person may or may not be an Industrial or Significant user.
- (ww) “pH.” means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (xx) “Plot Plan” has the same meaning as that term is used within the San Luis Obispo County's Coastal Zone Land Use ordinance, which is found at Title 23 of the County Code
- (yy) “Plumbing System” means all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the lateral sewer connection three feet outside the building wall.
- (zz) “Pollutant” includes but is not limited to any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes,

biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (“COD”), toxicity, or odor) discharged into water.

- (aaa) “Pollution” means the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- (bbb) “Premises” means any lot, or any piece or parcel of land comprising two or more lots of record in one ownership, or any building or other structure or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation or any commercial or industrial activity.
- (ccc) “Pretreatment or Treatment” means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 C.F.R. section 403.6(d).
- (ddd) “Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment, including a National Pretreatment Standard, local limits and/or BMPs established by the District and imposed on Industrial Users.
- (eee) “Property Profile” means a document issued by a title company containing the property owner's name and address, assessor's parcel number and map, and a copy of the deed of the property described in the application.
- (fff) “Publicly Owned Treatment Works (“POTW”)” means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292(2)(a)), which is owned by the District. This definition includes any sewers, pipes, ponds, pumps or other devices that connect to, or convey wastewater to the wastewater treatment plant. POTW also includes any sewers, pipes, ponds, pumps or other devices that convey wastewater to the POTW from persons outside the District boundaries, who are users of the POTW.
- (ggg) “POTW Treatment Plant” means that portion of the POTW designed to provide treatment to wastewater.
- (hhh) “Sanitary Sewer” means a sewer that carries sewage and to which storm, surface and ground water are not intentionally admitted.

- (iii) “Secondary Dwelling” has the same meaning as such word is used in section 22.80.030(S)(8) of Title 22 of the San Luis Obispo County Code, as such may be amended from time to time.
- (jjj) “Senior Housing Project” means an apartment, condominium or mobile home complex, or other similar complex whose residents are solely persons who are over 55 years of age and where the project does not utilize District water for any outside uses, such as landscaping, swimming pools and fountains.
- (kkk) “Sewage” means a combination of water-carried wastes from buildings and industrial establishments connected to the District sewer system or from any private sewer.
- (lll) “Sewer System” means all District facilities for the collection, pumping, conveyance, treatment and disposal of sewage.
- (mmm) “Sewer” means a pipe or conduit that transports wastewater, into which storm, surface and groundwaters are not intentionally admitted.
- (nnn) “Sewer Lateral Appurtenances” include, but are not limited to, grease traps, grease interceptors, cleanouts, and other such items.
- (ooo) “Sewer Main” means a public sewer designated to accommodate more than one lateral sewer and is controlled by public authority.
- (ppp) “Significant Industrial User or Significant User” means any industrial user subject to Categorical Pretreatment Standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and Any Industrial User of the District wastewater treatment and disposal system who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the District wastewater treatment system, or (iii) has in its wastes Toxic Pollutants as defined pursuant to this Code, or (iv) is found by the District, the Regional Water Quality Control Board, or the State Water Resources Board to have significant impact either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system. A Significant User is either an Existing Source or a New Source, depending on the time of commencement of construction of that Significant User's facility from which the Significant User has Discharged, is Discharging or will Discharge.
- (qqq) “Site Plan” shall have the same meaning as that term is used in San Luis Obispo County's land use ordinance, which is found at Title 22 of the County Code.

- (rrr) “Slug Load” means any Discharge at a flow rate or concentration that could cause a violation of the Discharge standards of this Code, or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch Discharge.
- (sss) “State” means the State of California.
- (ttt) “Standard Industrial Classification (SIC)” is a United States Government classification system for categorizing industries by using a corresponding four-digit number that represents an industry classification, pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (uuu) “Street” means any public highway, road, street, avenue, alley, way, easement or right of-way.
- (vvv) “Subdivision” means a subdivision as defined in Section 66424 of the California Government Code.
- (www) “Suspended Solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (xxx) “Toxic Pollutant” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under section 307(a) of the Act (33 U.S.C. 1317) or any other act.
- (yyy) “Unit of Use” means a unit of use is equivalent to 575 gallons of water per day.
- (zzz) “User” means any person who contributes, causes or permits the contribution of wastewater into a POTW.
- (aaaa) “Wastewater” means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (bbbb) “Water Quality Control Board” means the Central Coast Regional Water Quality Control Board.

(cccc) “Waters of the State” means all streams, lakes, ponds, marshes, water-courses, waterways, springs, and all other bodies or accumulations of water, which are contained within, flow through or border upon the State or any portion thereof.

1.5 Abbreviations.

The following abbreviations shall have the designated meanings:

BOD means Biochemical Oxygen Demand.

CFR means Code of Federal Regulations.

COD means Chemical Oxygen Demand.

EPA means Environmental Protection Agency.

gpd means gallons of water per day

L means Liter.

mg means Milligrams.

POTW means Publicly Owned Treatment Works.

SIC means Standard Industrial Classification.

USC means United States Code.

TDS means Total Dissolved Solids.

TSS means Total Suspended Solids.

1.6 General Regulations Applicable to All Users.

- (a) It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of the District, any domestic or industrial sewage.
- (b) It is unlawful to discharge to any waters of the state any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Code and local, state and federal laws and regulations.

- (c) It is unlawful for any person to dump or discharge into the District sewer system any raw or chemically treated wastewater from septic tanks or chemically treated wastewater from portable toilets, or any raw or chemically treated sewage from any industrial User or unidentified liquid waste or any hazardous waste except as provided by Chapter 6 of this Code.
- (d) Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.
- (e) No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the District. Any industrial or commercial facility is prohibited from discharging pollutants which may: (1) pass through an individual disposal system and is untreated or partially treated; (2) interfere with any individual disposal system treatment works; and/or (3) contaminate any individual disposal system's sludge.
- (f) All privately owned building laterals and private sewage disposal systems and appurtenances from all points of the property to the District sewer, shall be maintained by the property owner in a safe and proper operating condition; and all devices or safeguards which are required by this Code for the operation thereof shall be maintained in good working order.
- i. To determine compliance with this Code the District may require any new or existing plumbing system to be re-inspected.
 - ii. The General Manager may require a property owner to submit to the District a video of the private lateral and appurtenances. The videotaping must be done by a business approved by the District. If the District determines that the private lateral or any portion thereof, has become unsanitary or constitutes a threat to health or property, the District shall order in writing that the lateral or any portion thereof be removed and replaced or otherwise placed in a safe and sanitary condition. Any such written order shall include a reasonable time limit for compliance. Each person who receives and complies with such notice shall be required to continue to maintain all private lateral sewers and appurtenances in a safe and working order.
- (g) All Users of the sewer system shall prevent the discharge of prohibited substances, as described in Sections 6.2 - 6.5 of this Code or exceed the discharge limitations in Section 6.6 of this Code, into the laterals or other sewer lines connected with the District sewer and sewer treatment system and all Users shall take such reasonable and necessary measures

as may from time to time be prescribed by the District to make effective enforcement of this prohibition. Notwithstanding any provision of this Code, if the Regional Water Quality Control Board adopts more stringent requirements than what are included in this Code, those requirements shall be controlling until such time as this Code is amended.

- (h) Any person(s) who discharges or causes to be discharged into the District's sewer facilities either directly or indirectly, any waste or wastewater that is prohibited, creates a blockage, breakage, permanent reductions to sewer capacity, causes excessive maintenance expenses, creates detrimental effects to the POTW, causes the violation of a discharge requirement or regulation imposed by a regulatory agency, or causes any other damage to District facilities, shall be liable for all damages and costs occasioned thereby, including any penalty assessed by a regulatory agency. The damages, cost, or penalty assessed shall be deemed a debt to the District and shall be charged to the User.

1.7 District Access onto Private Property.

- (a) District agents, employees and representatives shall have the right of access, ingress and egress to the premises of customers of the District sewer system at all reasonable hours for any purposes reasonably connected with the furnishing of sewer service, including, but not limited to, inspecting and closing such laterals as necessary to protect the public health and District operations and facilities, and inspecting, maintaining, improving, replacing and operating District sewer system facilities, equipment and apparatus located on such premises. District agents, employees and representatives also shall have the right of access, ingress and egress to install and construct on the customer's dwelling or building an automatic meter reading system, including necessary connections to the telephone utility line, and the installation of necessary cable lines, equipment and apparatus.
- (b) District employees, agents and representatives shall identify themselves upon request when entering upon the premises of any customer for the purposes allowed by this Section 1.7.
- (c) No person shall install, construct, place or locate any structure, building, or facility of any kind, whether permanent or temporary, or any other object which is difficult to remove, on any District sewer line easement, or in such manner as to interfere with the District's ready and easy access to any District sewer system equipment, facility or apparatus, unless and until the District executes an encroachment agreement. Any such unauthorized obstruction, upon request of the General Manager, shall be removed immediately by the violator at no expense to District, and shall not be replaced.

1.8 Enforcement of this Code.

- (a) The District General Manager and his or her designees are authorized to cite violators of District ordinances, including all provisions of this Code, and they shall perform the aforementioned task in a professional manner without malice or personal bias.
- (b) Any person found to be violating the Code, may be served by the District General Manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. All persons shall be held responsible for any and all acts of agents or employees done under the provision of this Code or any other ordinance, rule or regulation of the District. Upon being notified by the District General Manager of his or her designee of any defect arising in any sewer or of any violation of this Code, the person or persons having charge of the work shall immediately correct the same.
- (c) Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this Code or any other ordinance, rule or regulation of the District is declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.
- (d) As an alternative method of enforcing the provisions of this Code or any other ordinance, rule or regulation of the District, the General Manager of his or her designee shall have the power, after providing written notice and a hearing, to disconnect the user or subdivision sewer system from the sewer mains of the district. The General Manager or his or her designee shall also have the right to discontinue water service to the property where the violation is occurring, after written notice and a hearing regarding the disconnection in accordance with Health and Safety Code section 6523.2. Upon disconnection, the General Manager or his or her designee shall estimate the cost of disconnection and reconnection to the system, and such User shall deposit the cost as estimated, of disconnection and reconnection before such User is reconnected after payment of all costs of disconnection and reconnection.
- (e) During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement of the occupancy of the premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suit arising in the action.
- (f) The District declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of the Code and the District's ordinances, and rules and regulations and not as a penalty.

- (g) Pursuant to Section 6523 of the Health and Safety Code, the violation of any of the provisions of this Code, or the rules or regulations of the District by any person shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment not to exceed one month, or both. Each and every connection or occupancy in violation of the Code, or rules and regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of this Code, or the District's rules or regulations continues shall be deemed a separate offense hereunder and shall be punishable as such.
- (h) Any person violating any of the provisions of this Code, or rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

SECTION 2: REGULATION OF SEWER USE

2.1 Use of Public Sewers Required.

- (a) No building, industrial facility or other structure shall be occupied unless and until the owner of the premises has complied with all District rules and regulations.
- (b) All new buildings shall connect to the District sewer system and all land development projects shall include provisions for the connection of future buildings to the District sewer system.
 - i. Exceptions will be allowed only when the County approves a private wastewater disposal system complying with the rules, regulations and ordinances of County Building and Health Departments and when the District provides a Sewer Release Letter.
 - ii. The owner of any building situated within the District requiring sewage disposal and abutting on any street, public right of way, or easement in which there is now located, or may in the future be located, a public sewer of the District is hereby required at that owner's expense to connect said building directly with the public sewer in accordance with the provisions of this Code, within ninety (90) days after the date on which the District provides the owner written notice to do so, provided that the District's public sewer is within four hundred (400) feet of the owner's property for new buildings and within two hundred (200) feet of the owner's property for existing buildings. For single family residential purposes, only gravity sewer within any street, public right-of-way, or easement shall be considered as available sewer.

- iii. An individual lateral sewer shall be provided for each building that connects to the District's public sewer system. If a building is located in the rear of another building on an interior lot, the District shall have discretion to permit the owner to connect that building to a lateral sewer that is connected to another building on the same lot, provided the buildings are under the same control and the lot is not divisible or ownership to assure compliance by each building with the provisions of this Code.
- (c) All plumbing systems or building sewers shall be maintained with clean outs installed, pursuant to the applicable provisions of this Code. The plumbing system or building sewer of each building within the District shall include a Test-Y clean-out, which shall be installed at the public right of way or easement abutting the building, and at 100-foot intervals between the public right of way or easement and the building. All clean-outs shall be the responsibility of the property which it serves, meet the standard specifications of the District and shall be maintained to be water tight.

2.2 Private Sewage Disposal.

- (a) It shall be the goal of the District to provide the District's sewer system to all premises within the boundaries of the District. Permission to construct a septic tank and leach line or other private sewage disposal system may be granted only when the provisions of this Section 2.2 have been met.
- (b) The owner of any house, building or property used for human occupancy, employment, recreation, or other purposes, situated within the District, adjacent to which there is located a public sanitary sewer, is required, at that owner's sole cost and expense, to install suitable toilet facilities therein and to connect such toilet facilities directly to the public sewer in accordance with the provisions of Section 2.1.
- (c) If a public sewer is not available under the provisions of Section 2.1, the lateral sewer shall be connected to a private sewage disposal system complying with the rules, regulations and ordinances of the County Building and Health Departments.
- (d) At such time as a public sewer becomes available to a house, building or property that is served by a private sewage disposal system, as provided in Section 2.2, a direct connection shall be made to the public sewer upon failure of the private sewage disposal system or before any modification of, or addition to the building, which will require the private sewage disposal system to be enlarged. Connection is to be made in compliance with the ordinances, rules and regulations of District, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the District, in accordance with all applicable local, state and federal laws, rules and regulations.

- (e) The owner of the house, building or property that is served by a private sewage disposal system is responsible for maintaining that system in an operational manner. The owner shall be responsible for operating, maintaining, repairing and replacing the private sewage disposal system at no expense to the District.
- (f) No statement contained in this Section 2 shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the Health Officer of the County or any other local, state and/or federal agency.

SECTION 3: CONSTRUCTION OF PUBLIC SEWERS

3.1 General Provisions.

- (a) The District has adopted Standard Specifications and Drawings, which may be amended from time to time, for all construction of sewers and appurtenances, which are on file at the District Office. Said Standard Specifications and Drawings are hereby referred to and made a part of this Code by reference. Sewer facilities within the District shall be designed and constructed in accordance with the District's Standard Specifications and Drawings and any applicable County and/or State minimum standards for construction of sewers and appurtenances. If no current standard exists, or if conflicting standards exist, then the District shall determine appropriate specifications for the facilities. The Director of Utilities shall have discretion to permit reasonable modifications to any Standard Specification and Drawing or to require a more stringent standard than is required by any Standard Specification and Drawing.
- (b) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's sewer systems. Any person violating this provision shall be subject to the penalties provided by law and shall be liable for any damages or expenses suffered by the District as a result of such violation.
 - (i.) An unauthorized person shall not remove or cause to be removed, or injure or cause to be injured, any portion of any public sewer, sewage pumping plant, or any appurtenances thereto.
 - (ii.) An unauthorized person shall not open or enter, or cause to be opened or entered, for any purpose whatsoever, any manhole or sewer appurtenance in any public sewer.

- (c) Any person and/or that person's contractor or agent intending to excavate in a public street for the purposes of installing sewer facilities or making sewer connections pursuant to this Code shall obtain approval from the State, the County and/or any other public agency or person that has jurisdiction over that public street. The person on whose behalf the contractor is operating shall assume all responsibility for construction stormwater site erosion control measures.
- (d) Prior to commencing any excavation within a County public easement in order to perform any work under the provisions of this Code, a person and/or that person's contractor or agent shall obtain a duly executed County encroachment permit. The person shall submit a copy of the County encroachment permit to the District upon request.
- (e) Any person who undertakes to pave, resurface, regrade or do any work on any street that contains District sewers shall not cover up or conceal any manholes or sewer structures, or their covers. Every care must be used to protect them. In the event said work results in damage to or a change of grade in the area of the manhole or structure, the person performing the work shall be responsible, at that person's sole cost and expense, for repairing or modifying the manhole or structure to meet the new grade. Before any work is performed on District manholes or structures, the District shall be contacted, and all work shall be done under a connection permit at the direction of the District, and in accordance with District Standard Specifications and Drawings. Streets and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the County or any other public entity having jurisdiction thereover.
- (f) All OSHA and CAL/OSHA safety requirements shall be met at all times. The contractor shall assume responsibility for all job site safety during construction. All work performed shall conform to the requirements of the State of California Construction Safety Orders, or the Federal Safety Codes, whichever is more stringent.
- (g) All costs and expenses incident to the installation and connection of any sewer or other work for which there is a completed application shall be borne by the applicant. The applicant shall protect, defend, indemnify and hold the District harmless from any liability, claim, cause of action, demand, expense, cost, fine, penalty, attorney's fees, judgments, loss or damage that may directly or indirectly be occasioned by the work, except where caused by the sole or active negligence or willful misconduct of the District.

3.2 Sewer Permits.

- (a) No person shall commence or cause to commence, do or cause to be done, construct or cause to be constructed, use or cause to be used, alter or cause to be altered, or connect or cause to be connected to any public sewer, sewer main, lateral sewer, sewage pumping plant or other similar appurtenance within the District without first obtaining a sewer connection permit and plan approval from the District and paying all applicable District fees.
- (b) Persons required to obtain a connection permit shall complete and file with the District an application in the form prescribed by the District and accompanied by any applicable fees. After evaluation and acceptance of the data furnished, the District may issue a connection permit subject to terms and conditions provided herein.
 - (i.) Connection permits shall be expressly subject to all provisions of this Code, all other applicable regulations and all user charges and fees established by the District. Connection permits also may include, but are not limited to, the following requirements:
 1. Construction of sewers in accordance with approved Plans and Specifications.
 2. Obtaining the necessary rights-of-way and easements and granting same to District.
 3. Payment for all costs involved due to said construction.
 4. Official acceptance into District sewer system of all sewers and appurtenances.
 5. Indemnification of the District per this Code.
 6. Bonds in accordance with this Code.
 7. Payment of all fees including plan checking and inspection.
 8. Other requirements that individual conditions may dictate.
- (c) Upon receiving the application, the District shall make an investigation and survey of the proposed development and determine whether there is facility capacity and sewer treatment capacity available to serve the subdivision or other development, and the sewer facilities

required and their estimated cost. To assist the Director of Utilities in making said investigation and report, the Director of Utilities may engage the services of a consulting engineer. All costs of outside consultants for a development will be charged to the subject development.

- (d) The provisions of this Code requiring connection permits shall not apply to contractors constructing public sewers and appurtenances under contracts with the District.
- (e) Prior to the issuance of a connection permit or plan approval the applicant shall submit two sets of plans to the District for plan check. The plans shall be checked for compliance with all District specifications, rules and regulations. Prior to the District performing the plan check, the applicant shall pay any applicable fee to the District. Such a plan check is not an assurance of sewer service nor a sewer connection permit for the particular project. The submittal of plans and/or documents for plan check shall not constitute nor be considered an application for a connection permit or a sewer connection permit.
- (f) After approval of the application, evidenced by the issuance of a connection permit, no change shall be made to the private sewer, the grade, materials or other details described in the connection permit or as shown on the plans and specifications for which the connection permit was issued except with written permission from the District. One complete set of "as-built" drawings showing the actual location of all mains, valves, fire hydrants, house services, meters, if any, collecting lines, lateral sewers, manholes, cleanouts, public sewers and appurtenances, as applicable, shall be filed with the District before final acceptance of the work.
- (g) In order to maintain a connection permit in full force and effect, those portions of the private sewer system which are to be constructed by the applicant shall be installed by the applicant and inspected and approved by the District within two years after the date of the permit's issuance. A permit shall become null and void if the applicant fails to comply with the above provisions, except as provided in Section (h).
- (h) An applicant who needs an additional period of time in which to complete the project for which a connection permit was issued may apply for a renewal of the existing permit and receive a credit of funds already paid subject to the provisions of this Section. To renew an existing permit, the applicant shall follow all District procedures applicable at the time of renewal to a person initially applying for a new permit including, but not limited to, the payment of all fees specified in Section 9.2. To be valid, the request for renewal shall be in writing and delivered to the District or postmarked by the United States Postal Service on or before the date of the permit's expiration. A permit shall not be eligible for renewal, and no credit of any funds paid shall be granted, if the request for the renewal is not in

writing and delivered to the District or postmarked by the United States Postal Service on or before the date of the permit's expiration.

- (i.) A person receiving a renewal of an existing permit shall be entitled to a credit towards the cost of renewing the permit of 50% of the fees actually paid pursuant to Section 9.2. All fees, rates and charges are subject to modification. An applicant applying for renewal is subject to District fees, rates and charges existing at the time the renewal request is received by the District.
 - (ii.) A request for renewal shall be granted if the request is made and all fees required by this Section (h) are paid on or before the date of the permit's expiration. A renewed permit shall not be eligible for subsequent renewal pursuant to this Section.
- (i) Any contractor performing construction work of the District sewer system and its appurtenances shall obtain a construction permit from the County Building Department or Public Works Department as required by the County.
 - (j) Any contractor performing work within the County right of way shall obtain a County encroachment permit, which may include requirements beyond the scope of this Code and District ordinances, regulations, rules and Standard Specifications and Drawings.
 - (k) Any contractor that intends to excavate 5 feet or more in depth shall possess a current CAL/OSHA permit. A copy of such permit shall be presented to the District upon request.
 - (l) Any contractor performing work under this Code may be required to prepare a SWPPP and obtain proper permits from the Regional Water Quality Control Board.
 - (m) Only qualified contractors that possess an appropriate valid license issued by the California Contractor State License Board may install a lateral sewer or sewer main extension and connect it to District sewer lines. Every such licensed contractor, prior to commencement of work, shall provide the District with a copy of its license and any insurance, bonding or other information requested by the District. The contractor shall agree to indemnify and hold the District harmless from any damage to the District sewer system caused by or indirectly related to the connection to the sewer. If any damage directly or indirectly results from any connection made to the District's sewer, then the contractor at its sole cost and expense shall promptly make any necessary repairs, replace any damaged facilities and return the District's sewer system to the condition it was in prior to the damage.

3.3 Outside Sewer Connection Permit.

- (a) Permission shall not be granted to connect any lot or parcel of land outside the District to any public sewer in or under the jurisdiction of the District, unless a permit is obtained pursuant to this Code. The applicant desiring to obtain an outside sewer connection permit shall first enter into a written contract with the District, whereby the applicant binds itself, its heirs, successors and assigns to abide by this Code in regard to the manner in which such sewer shall be used, the manner of connecting therewith and the plumbing and drainage required for that connection. It shall be the policy of the District to not grant outside sewer connection permits except where exceptional circumstances warrant and when granting such a permit will benefit the District.
- (b) Notwithstanding any other provision of this Code, the District Board shall have discretion to grant or deny an application for an outside sewer connection permit.

3.4 Financial Responsibility for Construction of Sewer Line.

Any person who installs, and/or causes to be installed, a connection to, or any part of, the District's public sewer system shall be financially responsible for the installation of that portion of the public sewer system, and all incidents thereof. Such person shall be required to obtain a connection permit from the District and shall comply with all of the terms and conditions of that connection permit.

3.5 Size of New Facilities.

The District General Manager or his or her designee may require an applicant to install a public sewer system with a capacity greater than what is immediately required by the applicant to adequately satisfy all demands on the District's sewer system that will be, or may at some point be, attributable to the applicant's proposed construction.

3.6 District's Option to Construct Facilities.

- (a) Whenever an applicant applies for an assurance of sewer service that involves the expansion or extension of the District's sewer system, the District, at its sole option, may install any facilities required by the expansion or extension. The District may require the applicant to deposit with the District funds sufficient to cover the District's estimated construction costs and other expenses related to the installation of said sewer facilities.
- (b) Upon the completion of the installation of any sewer facilities for which a deposit was made, pursuant to subdivision (a), the District shall refund to the applicant any funds deposited by the applicant in excess of those costs actually incurred by the District.

3.7 Dedication Requirements.

- (a) Any agreement concerning the construction, expansion and/or extension of the District's public sewer system shall include an offer of dedication of that portion of the public sewer system to be constructed, expanded and/or extended, excluding any private sewer lines appurtenant thereto.
- (b) No portion of the public sewer system shall be accepted by the District for dedication unless that portion to be accepted has been constructed in conformity with the requirements of the District. When the construction of the public sewer system has been completed and accepted by the District, it shall become the property of the District.

SECTION 4: INSPECTION

4.1 Inspection Required.

- (a) All work done under the provisions of this Code shall be subject to District inspection and approval. No sewer or other facilities constructed under this Code shall be operated prior to complying with this Section 4.
- (b) After the required fees have been paid and the connection permit issued, and upon the applicant's request submitted pursuant to Section 4.2, the District shall inspect the applicant's work to ensure that it complies with the requirements of this Code and any other applicable local, state and/or federal statute, regulation and/or uniform code.
- (c) The District's inspection and/or approval of any work performed under this Code shall not constitute a waiver of any provision of this Code, and the applicant shall continue to be responsible for compliance with the provisions of this Code.

4.2 Notification When Ready for Inspection.

The applicant shall schedule an inspection with the District at least two working days prior to the time the inspection is to be made.

4.3 Reinspection Fee.

In the event that the District's authorized personnel is required to make more than one visit to the site, a reinspection fee of \$50.00 for each additional visit, payable in advance by the applicant, will be required to reimburse the District for its additional costs in inspecting the connection.

4.4 Work Shall Be Uncovered and Convenient.

At the time of the inspection, the applicant shall have all work uncovered and convenient, and shall give the inspector access to every facility to make a thorough inspection. If work is covered prior to inspection, the District may require that the work be uncovered at the contractors' sole expense prior to re-inspection.

4.5 Correction of Defective Work.

If the applicant's work does not conform to the provisions of this Code, the District shall notify the applicant that the work is non-compliant and include a description of the reasons for non-compliance with reference to the specific section(s) of this Code with which the applicant is non-compliant. If the applicant fails to comply within 30 days after the written notice, sewer service will not be made available to the subject premises and the District permit under which construction was carried out shall be subject to suspension or revocation consistent with this Code.

4.6 Materials and Construction to Meet Standard Specifications.

All material used in any work pursuant to this Code shall be new, first-class material and shall conform to approved plans and specifications, and the manner of construction shall meet all the requirements prescribed by this Code, District Standard Specifications and Drawings, and any applicable state or local statute, regulation and/or uniform code. The District shall approve all such work prior to issuing a certificate of final inspection.

4.7 Certificate of Final Inspection.

- (a) If the District conducts an inspecting of the work pursuant to this Section 4 and determines that the work complies with this Code and all District, local, state and/or federal statutes, regulations and/or uniform code, then the District shall approve the work and issue the applicant a certificate of final inspection. The applicant shall be responsible for retaining a copy of this certificate of final inspection.
- (b) No sewer or other facility constructed under the provisions of this Code shall be placed in use until the District approves that work and issues a certificate of final inspection to the applicant.

SECTION 5: RESERVED

SECTION 6: DISCHARGE OF WASTE TO PUBLIC SEWERS

6.1 Application, Purpose, and Scope.

- (a) This Code sets forth uniform requirements for users of the District sewer system and POTW and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403) and waste discharge requirements established by the Regional Water Quality Control Board, and other applicable state and federal statutes and regulations.
- (b) The objective of these provisions are:
 - (i.) To prevent the introduction of pollutants into the District sewer system and POTW which will interfere with the operation of the system, including contamination of the resulting sludge or interference with the use or disposal of sludge;
 - (ii.) To prevent the introduction of pollutants into the District sewer system and POTW which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system;
 - (iii.) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
 - (iv.) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations;
 - (v.) To protect the District personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and
 - (vi.) To provide for equitable distribution of the cost of the District sewer system.
- (c) If any provision of this Section 6 or the application thereof to any person or circumstance is held invalid, the remainder of this Section 6 or application of such provision to other persons or circumstances shall not be affected and shall remain in full force and effect.
- (d) The pretreatment requirements set forth in this Section 6 shall apply to all Users of the POTW. This Section 6 authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires Industrial User and Significant User reporting; and provides for the

setting of fees for the equitable distribution of costs resulting from the program established herein.

6.2 General Discharge Prohibitions.

- (a) No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater to the POTW without a permit. No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other federal, state and/or local Pretreatment Requirements.
- (b) No User, domestic or industrial, shall contribute or cause to be contributed the following substances to any POTW:
 - (i.) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 5% nor any single reading over 10% of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the District, the State or EPA has notified the user is a fire hazard or a hazard to the system.
 - (ii.) Solid or viscous wastes in amounts which will, or may, obstruct the flow in the District sewer or POTW resulting in interference with the proper operation of the District's wastewater treatment system. Prohibited materials include, but are not limited to, fats, oils or grease of animal or vegetable origin, debris, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshing's, entrails, whole blood and/or components, feathers, ashes, cinders, sand, spent lime, concrete or concrete slurry, stone or marble, dust, metal, glass, straw, shavings, grass clippings, cut roots, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud and glass grinding or polishing wastes.
 - (iii.) Any wastewater having a pH less than 6.5, or more than 8.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures,

equipment and/or personnel of the POTW. Prohibited materials include, but are not limited to, acids, caustics, sulfides, concentrated chloride and fluoride compounds, and substances that will react with water to form acidic products.

- (iv.) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other substances, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard, or of this section. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act (33 U.S.C., 1317).
- (v.) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (vi.) Any wastewater which is capable of causing, either alone or by interaction with other substances, the POTW's effluent or any other product of the POTW, such as residuals, sludges, scums, or biosolids, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act (33 U.S.C., 1345); any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901, *et. seq.*), the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.
- (vii.) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (viii.) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at its introduction into the POTW which exceeds one hundred four degrees Fahrenheit (104 F). Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation.

- (ix.) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentrations as which may exceed any applicable State or Federal regulations.
- (x.) Any wastewater that causes a hazard to human life or creates a public nuisance.
- (xi.) Any trucked or hauled pollutants, except at discharge points designated by the District and having District pre-approval.
- (xii.) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (xiii.) Oils and grease in excess of one hundred (100) mg/L, whether emulsified or not, shall not be discharged into the public sewer system. Oils and greases may be from living or nonliving sources or contain substances that may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit at the point of discharge into the system or in amounts that will cause interference or pass through.
 - 1. Grease Traps or Interceptors Required. Grease, oil and sand interceptors or gravity separating devices shall be installed when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease and oil or sand in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the District in accordance with the California Plumbing Code and shall be of a type and capacity sufficient to provide the appropriate quality of effluent per this Code and shall be located as to be readily and easily accessible for cleaning and inspection.
- (xiv.) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (xv.) Hazardous Waste. All Users are prohibited from discharging hazardous waste.
- (xvi.) Infectious wastes from hospitals, clinics, out-patient clinics, medical and dental offices, mortuaries, etc.; pathologic specimens; disposable hypodermic needles, syringes and associated articles (whether ground or not); recognizable portions of the human anatomy; solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease; wastes excluded by other provisions of this Section 6 except as specifically permitted for;

or any other waste defined by the health officer of San Luis Obispo County as being infectious.

(xvii.) Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW.

(xviii.) Draining of swimming pools and spas.

1. The contents of a salt water swimming pool (including electrolytic cell backwash) shall not be discharged to the sanitary sewer, storm drain system or natural water way.
2. The contents of chlorinated swimming pools and/or spas (including filter backwash from swimming pools and/or spas) shall not be discharged into the sewer system without first applying for and receiving written permission from the District. Such approved discharge must be accomplished in the manner specified herein.
3. The size of the pipe carrying the discharge shall not be larger than 2 inches and the rate of flow shall not exceed 100 gpm, nor exceed the capacity of the line.
4. Each swimming pool discharging to a sewer system pursuant to a permit shall be equipped with an indirect waste connection to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

(xix.) Discharges from water softening. Portable exchange water softening systems should be used instead of on-site regeneration water softening units. Discharges from commercial, industrial, and residential on-site regeneration water softening units must comply with the following:

1. High-efficiency reverse osmosis units do not generate salt and are the best technology available for water softening and are recommended for use in the District.
2. Commercial and/or Industrial Users are prohibited from using self-generating water softeners that discharge to the District POTW.
3. New residential housing and replacement water softener units shall meet the following requirements:

- a. On-site regeneration water softener units must be equipped with salt efficiency controls to regenerate on hardness demand or other approved techniques.
 - b. Salt efficiency control units shall be a sealed tamper-proof type that controls the most efficient regeneration setting or a portable exchange unit.
- (xx.) Shredded garbage. Discharges containing improperly shredded garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under normal flow conditions in the public sewers or with any particle greater than one-half inch in any dimension are not allowed. Acceptable discharges from garbage grinders are as follows:
1. Wastes generated in preparation of food in a residence
 2. Where an Industrial User has an existing garbage grinder or a proposed new grinder and has approval for that specific use from the District. Such grinders must be kept in proper working order. Prohibited discharges from garbage grinders are as follows:
 - a. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, garden refuse or waste products resulting from the handling, storage and sale of fruit and vegetables in wholesale and retail produce establishments and wastes from entities engaged in the preparation, processing or preserving of food not intended primarily for immediate consumption. Discharges from commercial grinders must be pretreated at the owner's expense, as necessary, to reduce the suspended solids' daily flow, or objectionable characteristics or constituents to comply with the limits contained in this Code. Discharges from commercial grinders must be treated independently of any grease interceptor.
 - b. The District reserves the right to prohibit the use of garbage grinders in commercial applications if this waste creates excessive problems in the sewer system.

- (xxi.) Rain, storm water, surface water, ground water, seepage, roof runoff, street or yard drainage, subsurface drainage, ponds or lawn sprays or water added for the purpose of diluting wastes which exceed maximum concentration limitations.
- (xxii.) It shall be unlawful to discharge to any storm drain or natural outlet any wastewater derived from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, including domestic sewage, and industrial wastewater petroleum products, or otherwise polluted water.
- (xxiii.) Outdoor connections, drains and/or wash racks connected to the District sewer shall be covered and bermed to prevent the inflow of storm water and shall be equipped with a sand and/or oil interceptor approved by the District.
- (xxiv.) Any substance that will cause the POTW to violate its waste discharge requirements as imposed by the Central Coast Regional Water Quality Control Board or the receiving water quality standards.

6.3 Violation of Discharge Limitation.

In addition to any enforcement options available to the District under this Code and/or any state and/or federal law and/or regulation, if the District determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the District shall:

- (a) Advise the user of the impact of the contribution on the POTW; and
- (b) Develop effluent limitation(s) for such user to correct the interference with the POTW.

6.4 Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Code for sources in that subcategory, shall immediately supersede the limitations imposed under this Code.

6.5 State Requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations and/or more stringent than the requirements of this Code.

6.6 Specific Discharge Limitations.

- (a) In addition to the general discharge prohibitions, the maximum concentrations of certain pollutants allowable in wastewater discharges to the District sewer system are found in Table A, below. The general discharge prohibitions contained in Table A may be amended from time to time by regulatory agencies or regulatory order, the amended discharge prohibitions and requirements shall be controlling until such time as a Table A is amended. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered a violation of this Code.
- (b) Any user who does not comply with Federal Pretreatment Standards as required under Section 307(b) and (c) of the Act, and any regulations promulgated thereunder, including those regulations contained in 40 CFR 403.12, violates this Code.

Table A

Constituent	Concentration (mg/l)	Recommended EPA Method*
Ammonia	20.0	350.2
Aluminum	8.0	200,202
Arsenic	0.30	200,206
Beryllium	0.25	200,210
Boron	2.50	200
Cadmium	0.25	200,213
Chromium	0.05	200,218
Cobalt	0.075	200,219
Copper	0.30	200,220
Cyanide	0.20	335
Fluoride	1.50	300
Iron	7.50	200,236
Lead	0.05	200,239
Lithium	0.115	200
Mercury	0.005	245
Nickel	0.30	249
Selenium	0.01	270
Vanadium	2.00	200,286
Zinc	2.00	200,289
M.B.A.S.	0.20	425.1
Phenol	0.001	420,604
Sulfate	200.0	300

Any wastewater, other than residential water-softening regeneration brine, containing in excess of:

TDS	1000	160
Sodium	200	200,303
Chloride	150	300
BOD	250	405.1
Suspended Solids	25	160.2

These limits are subject to a specific permit or enforcement action as set forth in this Code. These limits will be reviewed periodically and revised as needed.

*Any request for variation from this recommended EPA Method must be approved before analysis is performed.

6.7 District's Right of Revision.

The District reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the District sewer system if deemed necessary to comply with the objectives presented in Section 6.1 of this Code.

6.8 Excessive Discharge.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the District.

6.9 Hauled Waste.

(a) Hauled waste may be introduced into the POTW only at locations designated by the District, with the District's prior consent, and at such times as established by the District. Such waste shall not violate Sections 6.2, 6.5 or 6.6 of this Code or any other requirements established by the District. The District may require haulers of industrial waste to obtain wastewater discharge permits. The District may prohibit the disposal of hauled industrial waste.

(b) The hauler shall provide the District with waste analysis of any load prior to discharge. The District may collect samples of each hauled load to ensure compliance with applicable standards. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler,

permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste.

- (c) The District may permit operators of "Cesspool" pump trucks to dispose of septic tank, seepage pit or cesspool effluent which does not contain harmful concentrations of industrial liquid waste, oils, greases or other deleterious substances into certain designated manholes, upon payment of a fee to be specified by the District. No person shall dump such effluent in any manhole other than those designated by the District. The District may refuse to accept such effluent if it fails to meet the requirements of this Code, or if existing facilities cannot accommodate the effluent.
- (d) When septic tank, seepage pit or cesspool effluent is dumped into a specified manhole under permission from the District, it shall be discharged through a pipe or hose in a manner such that none of the effluent shall be left adhering to the sides or shelf of the manhole, and if any such effluent is inadvertently allowed to adhere to the sides or shelf of the manhole, the manhole shall be thoroughly cleaned with clear water.

6.10 Wastewater Dischargers.

It shall be unlawful to discharge to the District sewer system without a permit any wastewater except as authorized by the District in accordance with these provisions. All new Industrial or Significant Users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing Industrial Users connected to or contributing to the POTW shall obtain a wastewater discharge permit within thirty (30) days of receiving a notice to apply. Any commercial or Industrial User may be required to obtain a wastewater discharge permit if, in the opinion of the Director of Utilities, the composition and/or the manner of its discharge may adversely impact District facilities. The wastewater discharge permit requirement imposed by Section 6.10 shall be in addition to any other requirements of this Code, including but not limited to requirements for connecting to the District's sewer system and requirements to obtaining sewer service and an allocation of sewer capacity.

- (a) Users required to obtain a wastewater discharge permit shall complete and file with the District an application in the form prescribed by the District, and accompanied by a fee, which shall be determined by the District on an individual basis according to the amount of discharge, the strength and character of the discharge and any other factors pertinent to the treatment and disposal of the discharge. After evaluation and acceptance of the data furnished, the District may issue a wastewater discharge permit subject to terms and conditions provided herein. The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this Code, as such may be amended from time to time, and with the plans and specifications

which the applicant has filed with the application, if any, together with such corrections and/or modification as may be made or permitted by the District, if any.

(b) Wastewater discharge permits shall be subject to all provisions of this Code and all other applicable regulations, user charges and fees established by the District. Additionally, the District may subject Wastewater discharge permits to additional requirements. Additional requirements may include, but are not limited to, the following:

- (i.) The per-unit charge or schedule of user charges and fees for the wastewater to be discharged to a District sewer;
- (ii.) Limits on the average and maximum concentrations of wastewater constituents and/or limits on other wastewater characteristics;
- (iii.) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (iv.) Requirements for installation and maintenance of inspection and sampling facilities;
- (v.) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (vi.) Compliance schedules;
- (vii.) Requirements for submission of technical reports or discharge reports;
- (viii.) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the District, and affording District access thereto;
- (ix.) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the District sewer system; and/or
- (x.) Other conditions as deemed appropriate by the District to ensure compliance with this Code and any applicable state and/or federal statutes and/or regulations.

(c) Permits shall be issued for a specified period not to exceed five years. Any Industrial User holding a time-limited permit shall apply for a permit reissuance a minimum of 180 days prior to the expiration of the Industrial User's existing Permit. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements are modified or other just cause exists. The Industrial User shall

be informed of any proposed changes in the permit at least 30 days prior to the effective date of the changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- (d) The terms and conditions of wastewater discharge permits shall be subject to modification by the District during the term of the permit. The District shall notify the permittee in writing at least 30 days prior to the effective date of any changed term. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

6.10.1 Transferability of Wastewater Discharge Permit.

- (a) A wastewater discharge permit is issued to a specific user for a specific operation at a specific location. A wastewater discharge permit shall not be reassigned, transferred and/or sold to a new or different operation and/or premises without first obtaining the prior written consent of the District.
- (b) Any succeeding owner or user to an operation for which a wastewater discharge permit has been issued shall continue to comply with the terms and conditions of that permit.

6.11 Pretreatment.

- (a) Industrial Users shall provide necessary wastewater pretreatment as required to comply with this Code and to protect the District's POTW and the proper and efficient operation thereof, the health and safety of District employees and the environment. Industrial Users shall achieve compliance with all applicable Categorical Pretreatment Standards, local limits, and the prohibitions set out in this Code within the time limits specified by the EPA, the State, or the District, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained in good working order and at the Industrial User's expense.
- (b) In the construction of new facilities, all domestic wastewater from restrooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewater until the industrial wastewater has passed through any required pretreatment system or device and the industrial wastewater monitoring facility or stations.
- (c) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be deemed acceptable to the District prior to initiation of construction and/or installation of those facilities. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facilities as necessary to produce an effluent acceptable to the District under the provisions of this Code. Any subsequent changes in the pretreatment facilities or

methods of operation shall be reported to and be deemed acceptable to the District prior to the Industrial User's initiation of those changes.

6.11.1 Grease, Oil, and Sand Inceptors

- (a) Grease, oil and sand interceptors or gravity separating devices shall be installed when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil and/or sand, except that such interceptors shall not be required for residential dwelling units.
- (b) All interception units shall be of a type and capacity approved by the District in accordance with the California Plumbing Code and shall be of a capacity sufficient to provide the appropriate quality of effluent per this Chapter 6 and shall be located where it would be easily accessible for cleaning and inspection.
- (c) Interceptors shall be maintained at the owner's expense, in continuous efficient operating condition, and shall provide for the periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public or private sewer.
- (d) Food establishments shall install an approved grease interceptor. Requirements for the installation of a grease interceptor shall be determined by the District using the California Plumbing Code as a guide.
- (e) Each business establishment for which a grease interceptor is required shall implement grease reducing practices and have an interceptor which shall serve only that business establishment.
- (f) All car washes, vehicle/equipment wash areas, service stations, and garages shall be required to install a gravity separating device designed to prevent the discharge of sand, silt, oil, and grease to the municipal sewer.
- (g) Gravity separating devices located outdoors shall be covered and bermed to prevent the inflow of storm water.
- (h) If the District finds that a grease interceptor or gravity separating device installed prior to the effective date of this Code is incapable of adequately capturing and retaining the grease, sand and/or oil in the wastewater effluent, then the District may require the user to install an adequate grease interceptor or gravity separating device. The District shall provide at written notice to the user that an adequate grease interceptor or gravity separating device is required, which shall be installed

at the user's sole cost and expense and within a time period specified in the written notice from the District.

- (i) Discharges from commercial grinders must be treated independently of any grease interceptor, at the owner's expense, to reduce the suspended solids daily flow and/or objectionable characteristics or constituents in order to comply with the limits contained in this Chapter 6.

6.12 Inspection, Sampling and Reporting Requirements for the Permittee.

- (a) Within 180 days after the effective date of an EPA pretreatment Categorical Standard, or within 180 days after the final administrative decision made upon a category determination pursuant to 40 C.F.R. section 403.6(a)(4), whichever is later, Existing Users subject to such Categorical Standards and currently discharging to the POTW shall submit to the District a baseline monitoring report that contains all of the information detailed in Section 6.12.2. At least 90 days prior to the commencement of Discharge, New Sources, and sources that become Categorical Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the District a baseline monitoring report which contains all of the information detailed in Section 6.12.2. New Sources also shall be required to include in this report information on the method of pretreatment that the New Source intends to use to meet Pretreatment Standards.
- (b) Each baseline monitoring report shall include the following information:
 - (i) Identifying Information. The name and address of the facility, including the name(s) of the owner(s) and operator(s).
 - (ii.) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (iii.) Description of Operations. A brief description of the nature of the operations, average rate of production of goods (if applicable), and Standard Industrial Classifications of the operation(s) carried out by the Existing Source, New Source, or source that becomes a Categorical User subsequent to the promulgation of an applicable Categorical Standard. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (iv.) Flow Management. Information showing the measured average daily and maximum flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined waste stream formula

set forth in 40 CFR section 403.6(e). New Sources, and sources that become Categorical Users subsequent to the promulgation of an applicable Categorical Standard, may estimate this information

- (v.) Measurement of Pollutants. The report shall contain the following information:
 - (vi.) The Categorical Standard applicable to each regulated process; and
 - 1. The results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set forth in this Code. Existing Users shall take at least one representative sample to comply with these requirements. The sample shall be taken directly downstream from the POTW. New Sources, and sources that become Categorical Users subsequent to the promulgation of an applicable Categorical Standard, may estimate this information if operations have not yet commenced.
 - (vii.) Certification. A statement reviewed and certified by the Industrial User's responsible officer or other authorized representative that indicates whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operations and maintenance and/or pretreatment is required to meet the pretreatment standards and requirements.
 - (viii.) Compliance Schedule. If additional pretreatment and/or O&M is required, the shortest schedule, designed in accordance with Section 6.12.5 of this Code, by which the Industrial User will provide such additional pretreatment and/or operations and maintenance. The completion date in the schedule shall not be later than the compliance date established for the applicable pretreatment standard.
- (c) Any Industrial User that is required to obtain a permit under this Code and performs self-monitoring shall comply with all applicable requirements in 40 C.F.R. section 403.12 and submit to the District during the months of June and December, unless required more frequently by the District, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be prescribed in the permit issued by the District, but in no case shall monitoring be required less than twice each year. The Director of Utilities may modify the months during which these reports are to be submitted.
- (d) The report submitted pursuant to Section 6.12.3 shall include a record of the concentrations of the pollutants listed in the permit, actual or estimated maximum and average daily flow

measurements taken at sampling locations, and any additional information required by the permit or by the Director of Utilities. If an Industrial User sampled more frequently than what was required, the Industrial User must include all results of sampling during the reporting period.

- (i.) If the Industrial User is subject to a Categorical Standard that requires implementation of BMPs, the Industrial User shall include with its report all documentation required by the Director of Utilities to determine compliance with the applicable BMP.
 - (ii.) Any Industrial User subject to equivalent mass or concentration limitations established by the District, or by unit production limits specified in the applicable Categorical Standard, shall report production data as required by Section 6.12.2, which shall include the Industrial User's actual average production rate for the reporting period.
 - (iii.) If the District calculated limits to factor out dilution flows or nonregulated flows, the Industrial User shall be responsible for providing flow measurements from the regulated process flows, dilution flows, and non-regulated flows.
 - (iv.) Flows shall be reported on the basis of actual measurement, provided, however, the District may accept reports of average and maximum flows estimated by verifiable techniques if the District determines an actual measurement is not feasible.
 - (v.) Discharges sampled shall be representative of the Industrial User's daily operations, and samples shall be taken in accordance with the requirements specified in Section 6.13.2 of this Code.
- (e) Where a compliance schedule is required under Section 6.12.2 (g), the schedule shall be designed in accordance with 40 CFR section 403.12(c) as follows:
- (i.) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Categorical Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.);
 - (ii.) No increment referred to in subparagraph (a) shall exceed nine (9) months; and

- (iii.) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the District including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reason for the delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports.

- (f) Within ninety (90) days following the date for final compliance by an Existing User with the applicable Pretreatment Standards and Requirements set forth in this Code, in Federal Categorical Standards, or in a permit, or in the case of a New Source or New User considered by the District to fit the definition of a Industrial User, within ninety (90) days following the commencement of the introduction of wastewater into the POTW, the Industrial User shall submit to the District a final compliance report.
 - (i.) Flow Measurement.

For Industrial Users, this may include the average daily and maximum daily flow, in gallons per day, to the POTW from the total process flow, wastewater plant flow, total plant flow, individual manufacturing process flow, manufacturing process flow and/or any other flow as required by the Director of Utilities.
 - (ii.) Measurement of Pollutants

Industrial User shall identify the applicable Pretreatment Standard for each regulated or manufacturing process, and report the results of sampling, and provide an analysis identifying the nature and concentration of regulated pollutants set forth in this Chapter 6 in the Discharge from each regulated or manufacturing process, including daily maximum and average concentrations. The sampling shall be representative of daily operations and shall conform to the sampling and analytical procedures outlined in Sections 6.13.2 and 6.13.3 of this Code. The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subparagraph. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR section 403.6(e) for a Categorical Industrial User, this adjusted limit along with supporting data shall be submitted as part of the final compliance report.
 - (iii.) Certification.

The Industrial User shall indicate whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operations and maintenance and/or additional pretreatment is required for the Industrial User to meet the applicable Pretreatment Standards and Requirements. This information shall be

accompanied by the following statement and shall be signed by an Industrial User's authorized representative:

"I certify under penalty of perjury under the laws of the State of California that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, if not myself, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (iv.) For an Industrial User subject to equivalent mass or concentration limits established by the District in accordance with procedures established in 40 CFR section 403.6(c), this final compliance report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the final compliance report shall include the Industrial User's actual production during the appropriate sampling period.
- (g) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits shall notify the District within two business days after the Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any Industrial User not providing a notice of such anticipated change will be required to comply with the existing limits contained in its permit.
- (h) Any Industrial User or person operating under a permit shall notify the District and Regional Water Quality Control Board immediately of all discharges that could cause problems to the POTW, including any Slug Loads, as defined in this Code. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact also should be noted during the notification. Any Industrial User or person operating under a permit who discharges a Slug Load of pollutants shall be liable for any expenses, losses, or damages to the District, in addition to the amount of any fines imposed on the District under state or federal law.
- (i.) If sampling performed by the Industrial User indicates a violation, the Industrial User shall notify the District and the Regional Water Quality Control Board within 24 hours of becoming aware of the violation. The Industrial User also shall repeat

the sampling within 5 days and submit the results of the repeat analysis to the District and the Regional Water Quality Control Board within 30 days after becoming aware of the violation.

- (ii.) If sampling performed by the District or the Regional Water Quality Control Board indicates a violation, it shall perform repeat sampling and analysis within 5 days, unless it notifies the Industrial User of the violation and requires the Industrial User to perform the repeat sampling and analysis.
- (iii.) Repeat sampling shall not be required if:
 - 1. The District or the Regional Water Quality Control Board performs the periodic sampling at the Industrial User at a frequency of at least once per month; or
 - 2. The District or the Regional Water Quality Control Board performs sampling at the Industrial User after the initial sampling but before the Industrial User or the District or the Regional Water Quality Control Board receives the results of this initial sampling.
- (i) All Industrial Users shall promptly notify the District or Regional Water Quality Control Board in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, or in the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR section 403.12(p).
- (j) The District reserves the right to require any User that discharges to the POTW to provide appropriate reports, even though the User may not be required to obtain a permit under this Code.
- (k) Industrial Users subject to the reporting requirements of this Section 6.12 shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Section 6.12 and any additional records of information obtained pursuant to the monitoring activities undertaken by the Industrial User independent of such requirements. Records shall include: the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates that analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses including documentation associated with BMPs. These records shall be retained for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the District, or where the Industrial user has been specifically notified of a longer retention period by the District, the Regional Water Quality Control Board, or the EPA.

6.13. Inspection to Ensure Compliance.

- (a) The District shall be permitted to inspect the facilities of any Industrial User to ascertain whether the purpose of this Chapter 6 is being met and all requirements are being met. Persons or occupants of the premises where wastewater is created or where a discharge occurs shall allow the District or its representatives access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, record examination, or in the performance of any of their duties. The District, Regional Water Quality Control Board and EPA shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where an Industrial User's security measure is in force which would require proper identification and clearance before entry on the premises, the Industrial User shall make necessary arrangements with its security staff so that, upon presentation of suitable identification, personnel from the District, Regional Water Quality Control Board and/or EPA, will be permitted to enter, without delay, for the purposes of performing their specific duties.
- (b) If the District has been refused access to a building, structure or property, or any part thereof and is able to demonstrate probable cause to believe there may be a violation of this Chapter 6, or that there is a need to inspect as part of a routine inspection program of the Agency designed to verify compliance with this Chapter 6, or any Permit or order issued hereunder, or to protect the overall public health, safety and welfare, then the District shall seek issuance of an inspection warrant from the San Luis Obispo County Superior Court. Such warrant shall be served at reasonable hours by the District, pursuant to applicable state law.
- (c) No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set forth in this Code.

6.13.1 Pollutant Analyses.

- (a) All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

- (b) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the District. The samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during the 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory; composite samples for other parameters unaffected by compositing procedures, as documented in approved EPA methodologies, may be authorized by the District or the Regional Water Quality Control Board, as appropriate.
- (c) For sampling required in support of baseline monitoring and 90 day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For reports required by 40 CFR section 403.12(e) and (h), the District shall require the number of grab samples necessary to assess and assure compliance by the Industrial Users with applicable Pretreatment Standards and Requirements.
- (d) Samples shall be taken immediately downstream from pretreatment facilities, if such exist, immediately downstream of regulated or manufacturing processes if no pretreatment exists, or at a location determined by the District and specified in the Industrial User's permit. If other wastewater is mixed with the regulated wastewater prior to pretreatment, the Industrial User shall measure the flows and concentrations necessary to allow the use of the combined waste stream formula in 40 CFR section 403.6(e) in order to evaluate compliance with the applicable categorical Pretreatment Standards. For other Industrial Users for which the District has adjusted its local limits to factor out dilution flows, the Industrial User shall measure the flows and concentrations necessary to evaluate compliance with the adjusted Pretreatment Standard(s). All sample results shall indicate the time, date and place of sampling, and methods of analyses and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant discharges from the Industrial User. If an Industrial User sampled and analyzed more frequently than what was required in its permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

6.13.2 Industrial User Monitoring Facilities.

- (a) Industrial Users shall, at their own expense, provide and operate monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the Industrial User's premises, but the District may, when such a location would be impractical or cause undue hardship on the Industrial User, allow the facility to be constructed in the public street or sidewalk, provided it is located so that it will not be obstructed by landscaping or parked vehicles and provided the Industrial User applies for and obtains all required permits.
- (b) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the Industrial User's expense.
- (c) Where constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the District.

6.14 Confidential Information.

- (a) Information and data on an Industrial User obtained from reports, surveys, permit applications, permits, and monitoring programs, and from the District inspection and sampling activities shall be available to the public without restriction, unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as a trade secret under applicable state law.
- (b) When requested and demonstrated by the Industrial User furnishing the report that such information should be held confidential, the portions of the report which might disclose trade secrets or secret processes shall not be made available to the public, but shall be made available immediately, upon request to governmental agencies for uses related to the District's waste discharge requirements or this Chapter 6, or in enforcement proceedings involving the Industrial User furnishing the report.
- (c) Notwithstanding subparagraphs 6.14.2 and 6.14.3, wastewater constituents and characteristics and other "effluent data" do not constitute confidential information and will be available to the public without restriction.

6.15 Enforcement.

6.15.1 Administering, Implementing and Enforcing the Provisions of Chapter 6.

- (a) The General Manager shall administer, implement and enforce the provisions of this Chapter 6. Any ministerial authorities granted to or duties imposed upon the General Manager may be delegated by him to person(s) acting in the employment of or under contract to the District.
- (b) The District may enter upon the private property of any person within the jurisdiction of the District in order to investigate possible violations of this Code. As authorized by law, District representatives shall carry evidence establishing their position as authorized representatives of the District, and, upon presentation and exhibiting these proper credentials and identification, be permitted to enter in and upon all buildings and premises within the District for the purpose of inspection, observation, measurement, sampling, testing, or otherwise performing such duties as may be necessary in carrying out this Chapter 6.
- (c) A violation of any provision of this Chapter 6 is a misdemeanor pursuant to Health and Safety Code section 6523. The remedies that the District may seek for violation of its pretreatment requirements and this Chapter 6 include, but are not limited to, the following:
 - (i.) The District may seek an injunction and/or civil penalties of up to \$25,000 per violation, per day of violation by filing a petition in the San Luis Obispo County Superior Court pursuant to Government Code section 54740, or the District may issue its own administrative complaint and impose civil penalties of up to \$5,000 per violation, per day of violation by following the procedures set forth in Government Code section 54740.5.
 - (ii.) The District may discontinue sewer service to a user violating this Chapter 6, as set forth in Section 6.15.3, or revoke a Permit pursuant to Section 6.15.4.
 - (iv.) The District may file a criminal complaint with the San Luis Obispo County District Attorney or other appropriate law enforcement official.
- (d) In order to enforce the provisions of this Chapter 6, the District may correct any violation hereof. The cost of such correction (including but not limited to any fines or other costs imposed on the District by any Federal or State agency or court) shall be payable by the person violating this Chapter 6 or by the owner or tenant of the property upon which the violation occurred, and such cost may be added to any sewer service charge payable in connection with the property. The District shall have such remedies for the collection of

such costs as it has for the collection of user charges, in addition to any other remedies provided by this Code or by law.

- (e) Each of the enforcement remedies available to the District as specified herein shall be non-exclusive and may be asserted cumulatively and in addition to, or in lieu of, any other remedy available to the District under law.

6.15.2 Suspension of Wastewater Treatment Service.

- (a) The District may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the District, in order to stop an actual threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, cause interference to the POTW, or cause a violation of any waste discharge requirements prescribed by the Regional Water Quality Control Board.
- (b) Any person notified of a suspension of its wastewater treatment service and/or the Wastewater Discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary including, but not limited to, immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The District shall reinstate the Wastewater Discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the District within 15 days after the date of occurrence.

6.15.3 Revocation of Wastewater Discharge Permit.

- (a) The District has sole and complete discretion to revoke the permit of any User who violates this Code and/or any applicable state and/or federal laws and/or regulations. Violations that may result in revocation of a permit issued under this Code include, but are not limited to, the following:
 - (i) Misrepresentation or failure of an Industrial User to factually report the wastewater constituents and characteristics of his discharge;
 - (ii) Failure of the Industrial User to report significant changes in operations, systems, or wastewater constituents and characteristics prior to the changed discharge;

- (iii) Falsifying self-monitoring reports and certification statements;
 - (iv) Refusal of reasonable access to the Industrial User's premises and records for the purpose of inspection or monitoring;
 - (v) Violation of any Pretreatment Standard or Requirement, or of any terms of the industrial wastewater discharge permit or of this Code;
 - (vi) Tampering with monitoring equipment;
 - (vii) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
 - (viii) Failure to pay fines; or
 - (ix) Violation of any Pretreatment Standard or Requirement, any term of the Wastewater Discharge permit issued by the District, or any provision of this Code.
- (b) A Wastewater Discharge permit is voidable upon cessation of operations. Any Wastewater Discharge permit issued for a particular Industrial User is void upon the issuance of a new permit to that Industrial User.

6.15.4 Enforcement Mechanisms for Industrial Users

- (a) Whenever the District finds that any Industrial User has violated or is violating this Chapter 6, the District may serve upon such person a written notice of violation. The written notice of violation shall state the nature of the violation and provide a reasonable time for the satisfactory correction thereof. The notice of violation may set forth a compliance schedule with specific actions the Industrial User shall take in order correct the violation and/or prevent the recurrence of the violation. In addition, the notice may require inspections or sampling and may impose other requirements the General Manager deems necessary.
- (b) In the event that an Industrial User discharges wastewater in violation of this Chapter 6, the District may assess a charge against the responsible person for the work required to clean and/or repair facilities owned or used by the District, additional operating and maintenance costs and all direct and indirect costs the District associated with the Industrial User's violation. Such a charge may be collected in any manner authorized by this Code or by law.

6.16 Accidental Discharges.

Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Code. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and shall be approved by the District before construction of the facility. No Industrial User who commences contribution to the POTW after the effective date of this Code shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the District. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of this Code. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

- (a) Within five days following an accidental discharge, the Industrial User shall submit to the District a written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties or other liability which may be imposed by this Code or other applicable law.
- (b) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 7: RESERVED

SECTION 8: SEWER AVAILABILITY & WILL SERVE COMMITMENTS

8.1 No Service Outside District Boundaries.

The District shall not accept applications for sewer will serve commitments or applications for sewer service outside its boundaries, unless there is an Annexation of that territory into the District's jurisdiction. When Annexation has begun, commitments may be issued, and service may be provided pursuant to Section 8.3.4 and as otherwise may be decided by the Board.

8.2 Sewer Availability Letter.

Upon receiving a written request, the District shall issue a letter giving the current status of sewer availability to a project or parcel of land. This letter will state, in general terms and without making a commitment to serve the project or parcel, whether the project or parcel is within the boundaries of the District, if sewage treatment capacity is currently available to serve the project or parcel, and under what conditions service would be made available. The District will attempt to identify potential problems that may be associated with making sewer service available to the project or parcel.

8.3 Application for a Will Serve Commitment.

8.3.1 Information Required of the Applicant.

- (a) Any person desiring a will serve commitment for sewer service for a subdivision, final map, development plan, site plan, plot plan or premises shall submit an application to the District on a form and in such manner as determined by the District. At a minimum, said application shall include the following information:
 - (i) Date of application;
 - (ii) Name, address, and telephone number of owner and agent of the subject premises;
 - (iii) Location and legal description of the subject premises, number of lots to be served, and proposed zoning;
 - (iv) Number of expected sewer units of use for each expected lot, and size and number of water meters for needed water service;
 - (v) Date that water and/or sewer service is expected for all or any part of the subject premises;

- (vi) Purpose for which sewer service will be used;
 - (vii) Such other information as District may reasonably require.
- (b) The District shall be notified by the applicant of any change in the information provided above within thirty (30) days after such change.
- (c) If an agent will act for the owner of the subject premises in matters concerning the application, the agent shall submit to the District written evidence of such agency and authority, having a notarized signature of the owner of the subject premises.

8.3.2 Determination of Sewer Availability.

Upon the furnishing of the information required in Section 8.3.1 above, the District shall determine within sixty (60) days whether or not there is available sewage treatment capacity to serve the subject premises at the time of application.

- (a) If the determination is affirmative, then the District will so notify the applicant.
- (b) If the District determines there is not available sewage treatment capacity to serve the premises at the time of application, then the application shall be denied without prejudice and placed on the District's waiting list. At the time sewage treatment capacity becomes available to serve the subject premises on the waiting list, the applicant and his/her successor shall be so notified and, if the applicant or his/her successor still desires sewer service, the application that was denied without prejudice shall be reconsidered and the District shall follow the procedures set forth in Sections 8.3.3 to 8.3.11.

8.3.3 Deposits.

- (a) **Deposits Required for Non-Discretionary Projects.** For any application for a will serve commitment which is not required by the County in connection with any discretionary approval of a project for the subject premises, such as a tentative map, development plan, use permit, site plan or plot plan, the applicant shall deposit with the District within thirty (30) days after the date of the notice referenced in Section 8.3.2, the full amount of the sewer hook-up fees in effect at the time of the notice. On the date of such payment, the application for a will serve commitment shall be deemed complete.
- (b) **Deposit Reunited for Discretionary Projects.** With respect to applications for will serve commitments that will be submitted to the County in connection with the discretionary approval of a project for the subject premises, such as a tentative map, site plan, use permit,

development plan or plot plan, the applicant, within thirty (30) days after the date of the notice provided in Section 8.3.2, shall submit proof from the County that the County has accepted the applicant's application for a tentative map, development plan, site plan, use permit, plot plan or other project approval application for the subject premises ("County Accepted Application") and shall deposit one hundred percent (100%) of the sewer hook-up fees due for the units of use applied for consistent with the County Accepted Application. The amount of the hook-up fees due shall be based on those in effect at the time of the payment. As of the date of such submission and deposit with the District, the application for a will serve commitment shall be deemed complete. The deposit is nonrefundable, except as provided in Section 8.3.9 below.

8.3.4 Issuance of Will Serve Commitment.

- (a) Issuance of Will Serve Commitments for Non-Discretionary Projects. With respect to an application for a will serve commitment which is not required by the County in connection with any discretionary approval of a project for the subject premises, the District shall issue to the applicant a will serve commitment for the subject premises upon receipt of the deposit submitted pursuant to Section 8.3.3(a) and compliance with any other requirements of the District. The will serve commitment shall obligate the District to provide sewer service to the premises to the extent that sewer service applications for such premises propose no more units of water use than are stated for such premises in the application for the will serve commitment. There shall be no time limit on the commitment.
- (b) Issuance of Will Serve Commitments for Discretionary Projects.
 - (i) With respect to applications for will serve commitments that will be submitted to the County in connection with the discretionary approval of a project for the subject premises, the District shall issue the applicant a will serve commitment for such premises upon payment of the deposit, submission of proof of the County Accepted Application and compliance with any other requirements of the District. The will serve commitment shall be effective for four years from the date of its issuance and its continued validity shall be subject to County approval of the project for the subject premises within said four-year period. If County approval of the project, such as a final or parcel map, site plan, use permit, development plan or plot plan, for the subject premises does not occur within the said four-year period, then the will serve commitment shall be forfeited. The applicant shall be entitled to request a refund of deposited hook-up fees pursuant to the provisions of Section 8.3.9. If County approval of the project occurs within said four-year period, then the will serve commitment shall remain in effect consistent with the County approval.

- (ii) If the County Accepted Application is withdrawn, expires, is denied or fails for any reason in whole or in part, then the units of use in the will serve commitment no longer required for the project, as described in said County Accepted Application, because of the withdrawal, expiration, denial or other failure, shall be deemed forfeited and relinquished to the District as of the date of such withdrawal, expiration, denial or other failure. Refunds of money deposited on units of use so forfeited and relinquished shall be refunded in accordance with Section 8.3.9 below.
- (iii) If County approval of the project reduces the number of units of use required for the subject premises from that stated in the County Accepted Application, then those units not so approved shall be forfeited and relinquished to the District as of the date of the County approval. Refunds of money deposited on units of use so forfeited and relinquished shall be refunded in accordance with Section 8.3.9 below.
- (iv) Upon forfeiture of a will serve commitment, the applicant must apply for a new will serve commitment for the subject premises in accordance with District rules, regulations and ordinances.
- (v) The will serve commitment issued pursuant to this Section 8.3.4 shall obligate the District to provide sewer service to the subject premises. to the extent that applications for sewer service to any portion or all of the subject premises propose no more units of use than such are stated for such premises in the application for the will serve commitment consistent with the County approval.

8.3.5 Public Interest Variance Applicant Dedication of Additional Sewage Treatment Capacity.

The Board may consider and allow exceptions to Section 8.5's allocation scheme and priorities at times when the District does not have available sewage treatment capacity, if the Board finds that an applicant can provide the District with sewage treatment capacity sufficient to meet the sewer service demands of the applicant's development. A will serve commitment for new or additional sewer service connections under this Section 8.3.5 will be issued by the District only after the District and the applicant have executed a contract in a form acceptable to the District whereby the applicant firmly commits and binds itself to provide and dedicate to the District the additional sewage treatment capacity, such capacity is constructed and can be utilized by the District, and the applicant complies with all other provisions of this Code concerning issuance of will serve commitments, unless the District determines otherwise.

8.3.6 Public Interest Variance, Service to Public Agencies.

- (a) If, at any time, a public agency applies for sewer service for one of its facilities when the District does not have sewage treatment capacity available, then the application of such public agency shall be placed at the top of the District's then existing waiting list. If more than one public agency applies for sewer service when the District does not have sewage treatment capacity available, then those applicants shall be considered in accordance with the priority date of each completed application; and when sewage treatment capacity becomes available, it shall be allocated in accordance with such priorities. This subdivision shall apply to any need of the District for sewer service to one of its facilities.
- (b) The Board finds that the above provisions serve valid public purposes and are necessary in order to provide assistance to other governmental entities to allow the carrying out of public services and functions within the District and to make such services more available, responsible, efficient and effective for the inhabitants of the District.

8.3.7 Highest Priority Sewer Service for Low Income Housing.

- (a) If, at any time, a proposed development that includes housing units affordable to lower income households, as defined in Government Code Section 65589.5, subdivision (h)(3), applies for sewer service when the District has insufficient sewer treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the treatment or collection works, or when the District is subject to a Water Quality Control Board order prohibiting new sewer connections, then the application of such proposed low income housing shall be placed at the top of the District's then existing waiting list. If more than one proposed development that includes housing units affordable to lower income households applies for sewer service when such service cannot be provided for the aforementioned reasons, then those applicants shall be considered in accordance with the priority date of each completed application; when sewer capacity becomes available, it shall be allocated in accordance with such priorities.
- (b) This priority shall take precedent over any other public interest variance.

8.3.8 Will Serve Commitments and Applications for Sewer Service for Guesthouses and Secondary Dwellings.

- (a) A secondary dwelling shall be subject to the provisions respecting will serve commitments and applications for service and to all other provisions of this Code.
- (b) Upon application to the District in the forms provided for in Section 8.3, a guesthouse shall be entitled to a will serve commitment and sewer service from the District without payment

of any hook-up fees or the need for a sewer unit of use and shall not otherwise be subject to the provisions of this Code, on condition that the primary residence, through whose meter the guesthouse will receive water service, has allocated to it a valid sewer unit of use. Except as otherwise specifically provided for herein, a guesthouse shall be subject to District rules, regulations, resolutions and ordinances governing sewer and water service.

8.3.9 Refunds of Hook-up Fees.

No refunds on sewer hook-up fees paid shall be allowed, except under the following circumstances:

- (a) With respect to hook-up fees paid pursuant to Section 8.3.3(a) above, an applicant shall be entitled to a refund of hook-up fees paid for any unit of use no longer required, less five percent (5%) of the hook-up fees in effect at the time of the request; provided that in no event shall the total amount deducted from any refund request exceed \$2,000. The applicant shall make such request in writing prior to commencement of service with respect to any unit of use no longer required. The District shall make the refund in accordance with subdivision (c) below. The District finds that it incurs certain administrative costs with respect to the processing of applications for will serve commitments and requests for refunds, and that five percent (5%) of the total hook-up fees for each unit of use applied for and for which a refund request is made reasonably covers the District's costs incurred in such processing.
- (b) With respect to hook-up fees paid pursuant to Section 8.3.3(b) above, the applicant may request a refund of the hook-up fees paid for any unit of use no longer required by the applicant, as long as a written request therefore is made prior to County approval of the County Accepted Application. If the total amount of the hook-up fees due on the units of use no longer needed has not been fully paid, then the amount of the refund shall be equal to the amount of hook-up fees paid on the units of use no longer required less five percent (5%) of the total amount of hook-up fees which would be due on those units of use as of the date of the request; provided that in no event shall the total amount deducted from the refund request exceed \$2,000. If the total amount of the hook-up fees due on the units of use no longer needed has been paid, then the amount of the refund shall be equal to ninety-five percent (95%) of the paid hook-up fees for those units of use; provided that in no event shall the total amount deducted from the refund request exceed \$2,000. All refunds shall be made in accordance with subdivision (c) below. The District finds that it incurs certain administrative costs with respect to the processing of applications for will serve commitments and requests for refunds, and that five percent (5%) of the total hook-up fees for each unit of use applied for and for which a refund request is made reasonably covers the District's costs incurred in such processing.

- (c) Upon the timely submittal of a request for refund, the District shall make the units of use no longer required available to the next applicant for a will serve commitment consistent with such applicant's application. Within five (5) business days after the date of the District's notice of availability of such units, the next applicant shall provide the District with written notice as to the acceptance of all or any portion of the units made available. The applicant shall pay one hundred percent (100%) of the hook-up fees due on the accepted units within fifteen (15) business days after the date of the District' notice referenced above. The amount of the hook-up fees due shall be based on the sewer hook-up fees in effect at the time of the payment for the accepted units. Upon payment of the hook-up fees due, the District shall make the refund due, as provided in (a) and (b) above, within ten (10) business days after the date of receipt of the payment.
- (d) If the next applicant does not accept all or any portion of the units made available to him or her pursuant to subdivision (c), then the applicant shall retain his or her position on the waiting list with respect to any units covered by his or her application and not accepted pursuant to the notice if availability.
- (e) If the next applicant's application for a will serve commitment will be submitted to the County in connection with the discretionary approval of a project for the subject premises, as specified in Section 8.3.3(b), and the applicant has deposited the required amount of the hook-up fees for all of the units of use requested in the applicant's application, then the applicant shall have six (6) months from the date of the applicant's last deposit of hook-up fees to submit proof of submission of a County Accepted Application. As of the date of such submission, the application for a will serve commitment shall be deemed complete. Thereafter, the District shall issue a will serve commitment consistent with the provisions of Section 8.3.4(b). If the applicant fails to timely submit proof of submission of the County Accepted Application, then the District shall refund the amount deposited pursuant to Section 8.3.9(c) without interest and the applicant will be removed from the waiting list and will have to reapply for a will serve commitment in accordance with District rules, regulations and ordinances. Further, any units of use previously accepted and paid for by the applicant shall be forfeited and shall revert to the District as of the date of the deadline for submission of proof of submittal of a County Accepted Application. Refunds of money paid on such forfeited units of use shall be refunded in accordance with Section 8.3.9(b).

8.3.10 Request for More Units of Use.

If an applicant for a will serve commitment for any premises requests additional units of use for such premises over that amount stated in the initial application after the will serve commitment has been issued, then the applicant shall reapply for such additionally requested units of use in accordance with the provisions of this Section 8.3.

8.3.11 Non-Transferability of Will Serve Commitments.

The sewer units of use set forth in a will serve commitment issued to premises described in an application for a will serve commitment shall not be transferable to any other premises; provided, however, that if adjacent lots under one legal ownership are combined into one legal lot by virtue of a lot line adjustment or other means, units of use committed to any one of said adjacent lots can be used anywhere on the newly created combined legal lot.

8.4 Applications for Sewer Service.

8.4.1 Information Required.

- (a) Each applicant for sewer service shall be required to sign an application form, provided by the District, which, at a minimum, will set forth:
 - (i) Date of application;
 - (ii) Names, addresses and telephone numbers of the owner, agent, and the customer, who is the person to whom District bills shall be mailed;
 - (iii) Legal description (Assessor's Parcel No.(s)) of premises to be served;
 - (iv) The number and size of meters required for requested services;
 - (v) Date applicant will be ready for service;
 - (vi) Whether the premises have been previously served by the District;
 - (vii) Purpose for which sewer service is to be used;
 - (viii) Whether sewer hook-up fees have been previously paid for such premises, and, if so, the amount of such fees, and the date that they were paid;
 - (ix) Number of sewer units of use required for the subject premises, as determined by the District upon information provided by the applicant; and
 - (x) Such other information as the District may reasonably require.
- (b) The District shall be notified by the applicant of any change in the information provided above within thirty (30) days after such change.

- (c) If an agent will act for the owner of the subject premises in matters concerning the application, the application shall so provide, and the agent shall submit to the District written evidence of such agency and authority, having a notarized signature of the owner of the subject premises.

8.4.2 Service to Premises for Which Hook-Up Fees Have Already Been Paid.

If the application is for service to premises for which a will serve commitment is outstanding and effective, and the number of units of use applied for such premises do not exceed that stated in the will serve commitment, then a sewer service permit shall be issued for the premises upon submission of the information required in Section 8.4.1, payment of any applicable charges and compliance with other District rules and regulations governing sewer service. The permit shall not be transferable to other property. There shall be no time limit on the permit.

8.4.3 Service to Premises for Which a Will Serve Commitment is Not Outstanding and Effective.

- (a) **Determination of Sewer Availability.** Once the applicant has supplied the information required in Section 8.4.1, the District shall determine within sixty (60) days whether there is sewer treatment capacity available to provide the requested service. If the determination is affirmative, then within sixty (60) days after such determination, the District shall notify the applicant to pay all applicable charges, including the requisite sewer hook-up fees in effect at the time of the notice, which shall be paid within sixty (60) days after the date of the request.
- (b) **Determination of Non-Availability.** If the District determines there is not available sewage treatment capacity to provide the required service at the time of application, then the application shall be denied without prejudice and placed on the District's waiting list. At the time sewage treatment capacity becomes available to serve the applicant on the waiting list, the applicant shall be so notified and, if the applicant still desires service, the application that was denied without prejudice shall be reconsidered, and the District shall proceed in accordance with the provisions of subdivision (a) above.
- (c) Once the applicant has supplied all of the information required pursuant to Section 8.4.1, has paid all applicable fees, and has otherwise complied with other District rules and regulations governing sewer service, then the application shall be deemed complete. The date of such completion shall be stated on the application. As of that date, the applicant shall be entitled to a sewer service permit for the service provided to the subject premises. There shall be no time limit on such permits. The permit shall not be transferable to other property.

8.4.4 Refunds.

The applicant shall not be entitled to any refund of monies paid pursuant to this Section 8.4, except that the applicant shall be entitled to a refund of ninety-five percent (95%) of the hook-up fees paid for any unit of use no longer required by the applicant, if a request therefore is made in writing and is received by the District prior to commencement of service; provided that in no event shall the total amount deducted from any refund request exceed \$2,000. The District shall make the refund in accordance with Section 8.3.9(c). The Board finds that it incurs certain administrative costs with respect to the processing of applications for service and requests for refunds, and that five percent (5%) of the total hook-up fee for each unit of use applied for and for which a refund request is made reasonably covers the District's costs incurred in such processing.

8.4.5 Property Owner's Liability.

Applicants for service to rental units may be the lessee or renter of the premises for which service is requested or may be the owner of said premises. Bills shall be mailed to the person designated as the customer on the application who shall be liable for payment of all District rates and charges, and shall otherwise be subject to the District ordinances, rules and regulations. In any situation where the lessee or renter is the designated customer for the premises to be served by the District, the owner of the premises so leased or rented shall guarantee payment of all District rates and charges incurred for service to his/her premises, shall otherwise be subject to District ordinances, rules and regulations, and shall be responsible jointly and severally with the designated customer for payment of any delinquent bill.

8.4.6 Individual Liability for Joint Service.

Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills. One person shall be designated on the application for receipt of the bills.

8.4.7 Change in Applicant's Equipment.

Applicants desiring to make any material change in the size, character or extent of the equipment utilized in receiving District service, as such equipment is stated in the completed application for service, shall give the District advance written notice of the extent and nature of the change. If the proposed change requires more sewer units of use, then the applicant shall submit a new application for service and shall be subject to the availability of sewage treatment capacity at the time of such application, the payment of all applicable charges then in effect, and the District ordinances, rules and regulations then in effect.

8.4.8 Sewer Service Only When No Water Supply and/or Facility Capacity Available.

(a) Request for Sewer Service Only. An applicant may apply for a will serve sewer commitment or apply for sewer service only, and the District shall provide such commitment or service upon compliance with the applicable provisions for obtaining such commitments or service as provided in this Code, if the following conditions apply:

- (i.) The new construction or development on the subject premises does not require District water service; and
- (ii.) The District has available sewage treatment capacity to serve the new construction or development.

(b) Conditions of Will Serve Commitment Issuance.

- (i.) The issuance of a will serve commitment pursuant to this Section 8.4.8 shall be made notwithstanding a waiting list established for applicants who require both water and sewer service when water supply and/or facility capacity is not available, but sewage treatment capacity is available.
- (ii.) Notwithstanding Section 8.3.4, a will serve commitment issued pursuant to this Section 8.4.8 shall be valid for ten (10) years. Upon the expiration of such period, the applicant may request renewal of such commitment. Such request shall be in the form of a new application for a will serve commitment. The application shall be treated the same as any other new application for a will serve commitment. For instance, it will be subject to any then existing waiting list established, shall be subject to the availability of sewage treatment capacity at the time of the application, and shall otherwise be subject to District ordinances, rules and regulations then in effect. However, with respect to hook-up fees, the applicant shall pay the difference between the hook-up fees in effect at the time of the notice given pursuant to Section 8.3.2 and the fees already paid.

(c) Conditions for Providing Sewer Service.

- (i) The provision of sewage treatment service pursuant to this Section 8.4.8 shall be provided notwithstanding a waiting list established for applicants who require both water and sewer service when water supply and/or facility capacity is not available, but sewage treatment capacity is available.
- (ii) Notwithstanding Sections 8.4.2 and 8.4.3 hereof, any permit issued on an application for sewer service shall be valid for two (2) years from the date of

issuance. Service shall commence to the subject premises within that two (2) year period. The applicant may request renewal of the permit. Such request shall be in the form of a new application for sewer service. The application shall be treated the same as any other new application for sewer service. For instance, it will be subject to any then existing waiting list established pursuant to Section 8.5 hereof, shall be subject to the availability of sewage treatment capacity at the time of the application, and shall otherwise be subject to District ordinances, rules and regulations then in effect. However, with respect to hook-up fees, the applicant shall pay the difference between hookup fees in effect at the time of the notice given pursuant to Section 8.3.2 and the fees already paid.

(d) Subsequent Need for Water Service.

If subsequent to the issuance of a will serve commitment or permit pursuant to this Section 8.4.8, an applicant requests water service before sewer service commences, then the will serve commitment or permit shall no longer be effective, as of the date of the request. The applicant shall be required to reapply for both water and sewer service in accordance with the provisions of this Code and the San Miguel Community Services District Water Code; provided, however, the applicant shall be credited for any hook-up fees paid.

8.4.9 Unauthorized Use of Sewer Permits.

- (a) The use of a permit for a lot or premises other than the lot or premises for which the permit was issued shall be considered an unauthorized usage and is prohibited.
- (b) The use of a permit for a lot or premises which has more or different construction or an increased number of units of use than that for which the permit was issued shall be considered an unauthorized usage and is prohibited.
- (c) The use of a permit for a lot or premises which has more shall be considered an unauthorized usage and is prohibited.
- (d) The use of a permit for any lot or premises which has a different design as to its private sewer system, fixture units or facilities from that shown on the plans for which the permit was issued shall be an unauthorized usage and is prohibited.

(e) District Remedies for the Unauthorized Use of Sewer Permits

- 1. The unauthorized use of a permit in a manner prohibited by subdivision (a) above imposes a different or greater demand upon the District's sewer system. Therefore, the owner must apply to the District for a new permit prior to the use of a lot or

premises for other than that specified in an existing permit, and/or to authorize more construction or an increase in the number of units of use specified in the existing permit. A person applying for a new permit must comply with all of the District's then existing rules and regulations concerning sewer service, including but not limited to, the availability of sewer treatment capacity and payment of any applicable fees and charges then in effect. Such compliance shall occur within 60 days of written notice from the District of the unauthorized usage. In the event that the owner fails to timely comply, the District may revoke the permit and the permittee shall be subject to the provisions of subdivision (c) below.

2. When the District determines that an unauthorized usage of a permit has occurred, the District may, in addition to all other enforcement devices set forth in this Code, demand that the unauthorized acts cease until such time as appropriate permits have been applied for and obtained, if available, and/or all appropriate fees and charges have been paid.

8.5 Sewer Allocation System.

8.5.1 Introduction.

Unless otherwise provided in this Chapter, the available sewage treatment capacity of the District shall be allocated and regulated in accordance with the policies, priorities and procedures set forth in this Section 8.5.

8.5.2 Sewer Service Waiting List for Applicants Who Require District Sewer Service.

The potential water users on the District's water service waiting list in existence at the time of adoption of this Code who also require sewer service shall also be included on a similar sewer service waiting list. The inclusion on the sewer list shall be in the same order as on the water service waiting list with the first on the water list becoming the first on the respective sewer list. The quantity of sewer service capacity needed to serve those developments on the water service waiting list included on the sewer list shall be that quantity required to provide adequate sewer service to the number of units of use in the proposed development, as determined by the District.

8.5.3 Allocation of Sewer Capacity.

When any newly developed sewage treatment capacity can be made available to new users, it shall be allocated first to those applicants on the waiting list who already have secured from the District all of the water units of use applied for by such applicants or have applied for a sewer will serve commitment only or sewer service only. Such allocation shall be based on the

applicant's priority on the waiting list and in accordance with the same procedures as a newly developed water supply source is allocated, except as otherwise provided in this Chapter. The District shall provide such applicants with a written notice of availability of units of use. If an applicant receives such a notice of availability, then, within ten (10) business days after the date of such notice, the applicant shall notify the District in writing whether the applicant will accept the units of use offered in the notice. The applicant shall pay one hundred percent (100%) of the hook-up fees due on the accepted units within 30 calendar days after the date of the District's written notice of availability. The amount of the hookup fees due shall be based on the sewer hook-up fees in effect at the time of the payment for the accepted units. If there is any remaining sewer capacity after completion of the allocation process addressed above, then such remaining capacity shall be allocated to all other applicants on the District waiting list based on their priority on that waiting list and pursuant to the above procedures.

- (a) If the applicant's application is for a sewer will serve commitment only which will be submitted to the County in connection with the discretionary approval of a project for the subject premises, as specified in Section 8.3.3(b), and the applicant has timely deposited the required amount of the hook-up fees for all of the sewer units of use requested in the applicant's application, then the applicant shall submit proof of submission of a County Accepted Application within ninety (90) days from the date that the applicant deposited the hook-up fees as required in Section 8.3.3(b) above. As of the date of such submission, the applicant's application for a will serve commitment shall be deemed complete. Thereafter, the District shall issue a will serve commitment consistent with the provisions of Section 8.3.4(b). If the applicant fails to timely submit proof of submission of the County Accepted Application, then the District shall refund the amount deposited pursuant to Section 8.3.9(c) without interest and the applicant will be removed from the waiting list and will have to reapply for a will serve commitment in accordance with District rules, regulations and ordinances. Further, any units of use previously accepted and paid for by the applicant shall be forfeited and shall revert to the District as of the date of the deadline for submission of proof of a County Accepted Application. Refunds of money paid on such forfeited units of use shall be refunded in accordance with Section 8.3.9(c).
- (b) If the applicant's application is for sewer service only or for a sewer will serve commitment only and the applicant is offered all of the sewer units of use requested or the balance needed by the applicant to complete his application but the applicant declines such offer or fails to timely deposit the required amount of the hook-up fees, the applicant shall be removed from the waiting list and will have to reapply for sewer service or a will serve commitment in accordance with District rules, regulations and ordinances. Any units of use previously accepted and paid for by the applicant shall be forfeited and shall revert to the District as of the date that the applicant declines the offer or fails to timely make the required deposit. Refunds of money paid on such forfeited units of use shall be refunded in accordance with Section 8.3.9(c).

- (c) After any waiting list is exhausted, then any remaining sewage treatment capacity shall be allocated on a first-come, first-served basis with the date of a completed application establishing the applicant's priority. If the District exhausts any newly developed sewage treatment capacity, then it shall reestablish a waiting list for all applicants.

8.5.4 Allocation of Units of Use When a Lot Split Occurs and Payment of Increased Hook-Up Fees Related Thereto.

Upon the subdivision of a lot to which sewer units of use have been committed by the District, units of use so committed in excess of those required to serve any existing buildings or other structures on any of the newly created lots may be used on any of the other newly created lots; provided that upon application for service to such lots where such application is based on utilization of all or any portion of the excess units, the applicant shall pay the difference between the hook-up fees previously paid for such units of use and the hook-up fees in effect at the time of application for service.

SECTION 9: FEES AND CHARGES.

9.1 Purpose of Sewer Connection / Hook-up Fees and Charges

The sewer hook-up fees collected pursuant to this Section 9.1 shall be used and are needed to finance the District sewer capital facilities and will not be used for general revenue purposes.

9.1.1 Sewer Connection Fees.

Each connector may be required to pay at time of application for service, at a rate established by District ordinance, fees for the following:

- (a) Fees for the inspection of the connection of the sewer line from the sewer lateral to the sewer main.
- (b) Additional fees for the inspection of the connection of the sewer line to any sewer lateral appurtenances including but not limited to clean-outs, grease traps, and backflow prevention devices.

9.1.2 Residential Sewer Hook-up Fees. The sewer hook-up fee shall be set by board resolution.

9.1.3 Commercial, Industrial and Other Similar Sewer Hook-up Fees.

- (a) The sewer hook-up fee shall be per unit served and set by board resolution.
- (b) To determine the equivalent number of units of use for District commercial, industrial and other similarly situated customers, for purposes of calculating the amount of hook-up fees for such customers, the District shall establish a standard measure, using gallons (i.e. Metcalf & Eddy, Inc., Wastewater Engineering Treatment and Reuse (Fourth Edition).)

9.2 Application Fees.

When a person applies for a District sewer service permit, the applicant may be required to pay, at a rate established by District ordinance or resolution, fees for the following:

- (a) Application fee for the administrative costs involved in processing each application.
- (b) Inspection fees to cover the cost of field and structure inspection of the proposed construction.
- (c) Plan checking fees to cover the cost of reviewing all plans for compliance with District Standard Specifications and Drawings.
- (d) Any other necessary administrative, engineering and legal fees incurred by the District for work performed.
- (e) Any person who pays these fees and whose application expires or is canceled, withdrawn, voided, terminated or abandoned, whether voluntarily or involuntarily, shall not be entitled to a refund or credit of these fees.

9.3 Wastewater Contribution Fees.

It is the purpose of this Section 9.3 to provide for the recovery of costs from users of the District's sewer system for the implementation of the Wastewater Discharge permitting program described in Chapter 6.

9.3.1 Applicable Charges and Fees.

The District may adopt charges and fees that may include:

- (a) Fees for reimbursement of costs of setting up and operating the District's pretreatment program.
- (b) Fees for monitoring, inspection and surveillance procedures.
- (c) Fees for reviewing accidental discharge procedures and construction.
- (d) Fees for permit applications.
- (e) Fees for filing appeals.
- (f) Fees for consistent removal by the District of pollutants otherwise subject to Federal pretreatment standards.
- (g) Other fees as the District may deem necessary to carry out the wastewater discharge permit requirements contained herein.

These fees relate solely to the Wastewater Discharge permit program detailed in Chapter 6 and are separate from all other charges and fees chargeable by the District.

9.4 Sewer Service Charges.

- (a) Rates. The monthly sewer rate shall be in accordance with Resolution No. 2018-19, as may be amended, which presently sets the following monthly sewer rates:
 - 3. Single Family Residential: \$89.77 per EDU.
 - 4. Multi Family Residential: \$56.10 per EDU.
 - 5. Commercial/Industrial: \$67.55
- (b) All accounts are due upon receipt and payable at the District office. Bills are sent as a courtesy and failure to receive a bill does not relieve owner of responsibility to pay, or of penalties levied for non-payment, pursuant to Chapter 10 of this Code. A bill is delinquent as provided in Section 10.3.

9.5 Returned Check Charge.

For any check which has been received by the District for payment of rates, charges, fees or other costs of the District as set forth in District ordinances, regulations and this Code, which check has been deposited twice and returned to the District unpaid by the bank upon which it is drawn, a charge of \$30.00 for the returned check shall be imposed upon the account to which the payment was originally applied.

9.6 Administrative and Inspection Fees.

(a) Plan Checking and Inspection for New Subdivision. A fee of five percent (5%) of the estimated cost of water and sewer improvements in a new subdivision will be charged to cover the cost of plan checking and inspection. The estimated costs of improvements must be verified by the Director of Utilities.

(b) Copying Fees. A copy fee of 10 cents per page will be charged.

SECTION 10: ENFORCEMENT OF SEWER FEES & DISCONTINUATION OF SEWER SERVICE

10.1 Collection and Enforcement of Sewer Service Rates and Charges.

The provisions in this Chapter 10 shall apply to the collection and enforcement of District sewer service charges and rates, and of drainage facilities maintenance fees.

10.2 Established as a Means of Enforcement.

The District hereby declares that the procedures set forth herein are established as a means of enforcement of the terms and conditions of its Code, ordinances, rules and regulations, and not as a penalty.

10.3 Property Owner Responsibility and Basis of Billing.

Whether or not the owner of a property is the customer, the owner of property that is furnished sewer service shall be responsible for all rates, charges or fees, including penalties and interest thereon, respecting such furnished services. Water and sewer service shall be billed together on a monthly basis. The billing statement will be for service rendered during the preceding month. A statement shall become delinquent on the 14th day of the month following the month in which service is rendered.

10.4 Late Payment Charge.

A one-time charge of ten percent (10%) of the rate or fee (hereinafter in this Chapter 10, charge, rate and fee shall be collectively referred to as "charge," unless otherwise specifically noted) for a month shall be added to each delinquent charge for the first month that the charge is delinquent. Thereafter, an additional penalty of one percent (1%) per month shall be added to all delinquent charges and basic penalties until such time as the delinquent charges and penalties have been paid. Monies paid when any portion of an account is delinquent shall first be credited to the delinquent portion and then to the current billing.

10.5 Judicial Relief and Attorney's Fees.

- (a) In the event that any customer fails to timely pay a billing statement, the customer shall be deemed to be in default and in such case, the District may declare the balance or remaining balance due and payable.
- (b) The General Manager is authorized and directed to file any and all necessary legal actions in the appropriate small claims court within the County of San Luis Obispo and to appear in court thereon on behalf of District to collect and all unpaid sewer bills and charges thereon that may be due.
- (c) In the event that the District is required to bring an action to collect any sum in default, the customer shall pay any attorneys' fees, court costs or other costs incurred by the District to bring such action.

10.6 Lien.

In case any charge becomes delinquent, the amount of the delinquency may in the discretion of the District be secured by filing for record in the office of any county recorder, a certificate specifying the amount of such charge and the name and address of the person liable therefore. The District may from time to time compile lists of such delinquent charges and record them with the county recorder as liens.

10.7 Discontinuance of Service.

- (a) Generally, in the event of a violation of any ordinance of the District or of its rules and regulations, or of a failure to timely pay applicable charges, rates or fees, the District shall notify the person or persons causing, allowing or committing such violation, in writing, specifying the violation and that upon the failure of such person or persons to cease or prevent further violation within the time specified in the notice and following a hearing, the District will disconnect service to the property in question.

- (b) Residential customers who are 65 years of age or older, or who are dependent adults as defined in section 15610.23 of the Welfare and Institutions Code, shall be notified that they may request that the District notify a designated third person when the customer's account is past due and subject to termination.

10.7.1 Service Related Reasons for Discontinuance of Service.

Sewer service may be discontinued for any of the following reasons:

- (a) Delinquency in the payment of any sewer service rate or charge, except that residential service shall not be discontinued for nonpayment in any of the following situations:
 - (i) During the pendency of any investigation by the District of a customer dispute or complaint.
 - (ii) When a customer has been granted an extension of the period for payment of a bill respecting sewer service.
 - (iii) On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into a amortization agreement with the District and requests permission to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.
- (b) The unauthorized taking of water or the taking of water in excess of the amount paid for.
- (c) Failure of the customer to maintain his facilities in a suitable condition to prevent waste of water.
- (d) The existence of any unprotected cross connections on the customer's premises or the lack of adequate backflow protection at the service connection. .
- (e) Any violation by the customer of any rules and regulations of the District governing sewer service.

10.7.2 Discontinuance of Residential Service for Nonpayment.

- (a) At least ten (10) days before any proposed discontinuance of residential sewer service for nonpayment of a delinquent account respecting such service, the District shall mail a notice, postage pre-paid, to the customer to whom the service is billed of the proposed-

discontinuance. Such notice shall be given not earlier than nineteen (19) days from the date of mailing the District's bill for such service and the ten (10) day period shall not commence until five (5) days after the mailing of the notice. In addition to the ten day notice provided for in the preceding sentence, the District shall make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or personal contact at least twenty-four (24) hours prior to any discontinuance of service, except that, whenever telephone or personal contact cannot be accomplished, the District shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of discontinuation of service, at least forty-eight (48) hours prior to disconnection.

(b) The notice described in subdivision (a) shall include the following information:

- (i) The name and address of the customer whose account is delinquent;
- (ii) The amount of the delinquency;
- (iii) The date by which payment or arrangements for payment is required in order to avoid discontinuance;
- (iv) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for service contains a description of that procedure;
- (v) The procedure by which the customer may request amortization of the unpaid charges;
- (vi) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources, if applicable; and
- (vii) The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

10.7.3 Discontinuance of Residential Service to Customers on Master Meters.

Whenever the District furnishes residential service to a master meter or furnishes individually metered service to a multi-unit residential structure, where the owner or manager is listed by the District as the customer of record, the District shall make every good faith effort to inform the actual users of the service, by means of a notice, when the account is in arrears, that service will be discontinued within 10 days. Such notice shall also inform the actual users that they have the right to become District customers without being required to pay the amount due under the delinquent account. Nothing in this Section 10.7. shall require the District to make

service available to actual users unless each actual user agrees to the District's terms and conditions of service and meets the requirements of the District relative to sewer service. If one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those actual users who have not met the requirements of the District, the District shall make service available to the actual users who have met those requirements.

10.7.4 Discontinuance of Service Other than a Discontinuance of Residential Service for Nonpayment.

At least ten (10) days before discontinuing sewer service, other than the discontinuance of residential service for nonpayment of a delinquent account, which is provided for in Section 10.7.2, the District shall provide a written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the District General Manager, or his or her designee, who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the District General Manager, or his or her designee, shall be included in any such notice of proposed discontinuance given to a customer.

10.7.5 No Discontinuance of Service on Weekends, Holidays or After Hours.

No service shall be discontinued to any customer or user because of any delinquency in payment on any Saturday, Sunday, legal holiday or at any time during which the business offices of the District are not open to the public.

10.8 Amortization of Delinquent Bill for Residential Service.

Every complaint or request for investigation by a residential customer that is made within five (5) days after receiving the disputed bill for sewer service, and every request by a residential customer that is made within thirteen (13) days after the mailing of the notice required by Section 10.7. I for an extension of the payment period of such a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the District General Manager, or his or her designee. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months. Any customer whose complaint or request for an investigation has resulted in an adverse determination by the District General Manager, or his or her designee, may appeal the determination to the Board of Directors.

- (a) Discontinuance of Service for Failure to Comply with Amortization Agreement. If an amortization agreement is authorized, no discontinuance of service shall be effected for any residential customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. If a residential customer fails to comply with an amortization agreement, the District shall not discontinue service without giving notice to the customer at least 48 hours prior to discontinuance of the conditions the customer is required to meet to avoid discontinuance, but the notice does not entitle the customer to further investigation by the District.

10.9 Authority to Settle Controversies Relating to Discontinuance of Service.

The District General Manager, or his or her designee, is hereby authorized to investigate complaints and review disputes pertaining to any matters for which sewer service may be discontinued and to rectify errors and settle controversies pertaining to such matters and disputes concerning payment of drainage facilities maintenance fees. The District General Manager, or his or her designee, is also authorized, upon a proper showing by a residential customer, to grant permission to amortize the unpaid balance of a bill over a reasonable period of time, not to exceed twelve (12) months. At his or her discretion, the District General Manager may bring any such controversies and disputes to the Board of Directors for settlement by the Board.

10.10 Procedure on Appeal to Board.

- (a) If a customer timely files an appeal of a decision of the General Manager on discontinuance of service, the Board shall set a hearing not sooner than 10 nor more than 40 days after receipt of such appeal. Upon setting of such hearing, the District shall forthwith give written notice of the time and place thereof to the customer by either first-class mail or personal delivery.
- (b) The appeal hearing shall be held before the Board. The customer or his representative shall be permitted to present witnesses, documents or other evidence to show good cause why service should not be discontinued. The Board also may examine District records, documents, witnesses or other evidence tending to show that service should be discontinued for one or more of the grounds stated in the notice of disconnection.

10.11 Reconnection.

When sewer service has been disconnected as provided in this Code, the customer shall pay the unpaid account balance in full, plus a reconnect charge of seventy-five dollars (\$75.00), before any disconnected service will be reconnected.

10.12 Unsafe Apparatus.

District services may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

10.13 Fraud or Abuse.

Service may be discontinued if necessary to protect the District against fraud or abuse.

10.14 Collection of Delinquent Charges with Taxes.

(a) Pursuant to Government Code section 61115, subdivision (b), all delinquent charges, penalties and interest may be collected in the same manner as the general taxes for the District for the forthcoming fiscal year, as follows:

1. The District General Manager shall prepare a written report, which shall be filed with the District secretary. The report shall describe each parcel of real property and the amount of the delinquent charges and interest associated with each such parcel;
2. The District General Manager shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published at least once a week for two weeks. The District General Manager also shall mail written notice of the report's filing to each affected property owner. The notice shall state that the delinquencies, charges and interest will be collected on the County tax roll rather than through billing procedures;
3. At the time stated in the notice, the Board of Directors shall hear and consider all objections or protests, if any, to the report. Thereafter, the Board may adopt, revise, change, or modify the report and overrule any or all objections thereto. The Board's determination on each delinquency identified in the report shall be final; and
4. Following the Board's hearing, on or before August 10 of each year, the District Secretary shall file with the County Auditor a copy of the report, signed by the Secretary, stating the Board has adopted the report. The District General Manager shall request the County Auditor to include the amount of delinquencies, penalties and interest on the bills for taxes levied against the properties identified in the report. Once the transfer of delinquent amounts has been made to the County Auditor's office for collection, no payment shall be

accepted by the District on said delinquent amounts except as collected by the County Auditor's office.

- (b) A fee of \$50.00 for each assessment, charge or penalty that is referred for collection to the County Auditor which is revised or removed from such tax roll after submitted by the District shall be imposed on the owner of the property to which such revised or removed item relates.

10.15 Public Nuisance.

During any period of disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District may cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District reasonable attorney's fees and costs of suit arising in said action.

10.16 Enforcement Remedies Cumulative.

Each of the enforcement remedies available to the District as specified in this Code shall be non-exclusive and may be asserted cumulatively and in addition to, or in lieu of, any other remedy available to the District under law.